

**MINUTES**  
**OF THE**  
**ENVIRONMENTAL PROTECTION COMMISSION**  
**MEETING**

**FEBRUARY 21, 2000**

**WALLACE STATE OFFICE BUILDING**  
**DES MOINES, IOWA**

## TABLE OF CONTENTS

Call to Order .....	1
Members Present.....	1
Members Absent .....	1
Adoption of Agenda.....	1
APPROVED AS AMENDED .....	1
Approval of Minutes .....	1
APPROVED AS PRESENTED.....	1
Director's Report .....	2
Financial Status Report - YTD Division Expenditures.....	2
Administrative Rules Review Process .....	6
INFORMATIONAL ONLY .....	6
Toxic Cleanup day Service Delivery Contract.....	6
APPROVED AS PRESENTED.....	8
Regional Collection Center Project Contract Amendment .....	8
APPROVED AS PRESENTED.....	9
Public Participation.....	9
Solid Waste Alternatives Program Contracts Approval .....	9
APPROVED AS PRESENTED.....	12
Appointment – Mike Berkshire (C.R. Landfill Siting Process).....	12
Appointment - Pamela Prochaska (C.R. landfill siting) .....	13
Appointment – Susan Rigdon (C.R. landfill siting).....	15
Appointment – Kenneth Vogel (C.R. landfill siting).....	17
Appointment – Karen Balderson (C.R. landfill siting) .....	17
Monthly Reports .....	17
INFORMATIONAL ONLY .....	30
Final Rule—Chapter 23, Adoption by Reference of NESHAPS .....	30
APPROVED AS PRESENTED.....	35

Final Rule—Chapter 22, Revise Cap on Annual Title V Operating Permit Fees .....	35
APPROVED AS PRESENTED .....	39
Section 319 Nonpoint Source Pollution Control Project Contracts.....	39
Contracts with Iowa State University Extension: .....	40
APPROVED AS PRESENTED .....	41
Referrals to the Attorney General .....	41
REFERRAL DELAYED ONE MONTH.....	41
Proposed Contested Case Decision—Dennis Sharkey, Sr. ....	42
Legislation Update .....	42
INFORMATIONAL ONLY .....	42
General Discussion .....	42
Next Meeting Dates .....	43
Adjournment .....	43



## MEETING MINUTES

### CALL TO ORDER

The meeting of the Environmental Protection Commission was called to order by Acting Chair, Terrance Townsend at 10:00 a.m. on Monday, February 21, 2000, in the Wallace State Office Building, Des Moines, Iowa.

### MEMBERS PRESENT

James Braun  
Elizabeth Christiansen  
Randal Giannetto (arrived at 11:00 a.m.)  
Rozanne King, Secretary  
Gary Priebe  
Terrance Townsend, Vice-Chair  
Rita Venner

### MEMBERS ABSENT

Kathryn Murphy

Chairman Townsend noted that Commissioner Murphy phoned to say she had a family conflict and would not be able to attend the meeting.

### ADOPTION OF AGENDA

The following adjustments were made to the agenda:

- Add: Appointment - Susan Rigdon – 11:30 a.m. (C.R. landfill)

*Motion was made by Rozanne King to approve the agenda as amended.. Seconded by Rita Venner. Motion carried unanimously.*

**APPROVED AS AMENDED**

### APPROVAL OF MINUTES

*Motion was made by Rozanne King to approve the meeting minutes of January 18, 2000 as presented. Seconded by Elizabeth Christiansen. Motion carried unanimously.*

**APPROVED AS PRESENTED**

**DIRECTOR'S REPORT**

Paul Johnson, Director, reported on the Earth Year 2000 kick-off held on January 21, noting that there were 98 counties represented and over 1000 people attended. He also spoke about a state-of-the-state project the Department is putting together to tell a story of Iowa, where we have come from, where we are today and where we hope to go. The the team who has been working on it has met their deadlines as it went to press this past week. He related the book entitled "Portrait of the Land" should be ready by Earth Day. The May-June issue of the Iowa Conservationist will be a copy of the book.

Director Johnson reported that the department is in the process of reviewing the Administrative Rules for the Department and that process is right on track.

Director Johnson announced that the Iowa Conservationist is planning a small price increase as follows: 1-year subscription will increase from \$10 to \$12; 2-years will go from \$15 to \$18; and 3-years will go from \$10 to \$24. He related that he wanted the Commission to be aware of these increases.

Director Johnson commented that he would be giving testimony on TMDL's at a Senate Agriculture Committee in Washington, D.C. tomorrow.

**FINANCIAL STATUS REPORT - YTD DIVISION EXPENDITURES**

Linda Hanson, Division Administrator, Administrative Services Division, presented the following item.

Attached is the operations financial status report by division as of 12/31/99. All Divisions are over their General Fund budgets with the exception of the Environmental Protection Division. The Fish and Wildlife Division is within its appropriated budget.

The budget contained in this projection includes the Governor's general fund budget reductions totaling \$192,845. By Division the amounts are as follows: Administration \$15,938, Parks \$61,592, Forestry \$22,746, Energy/Geology \$27,059, and Environment \$65,510.

Part of the reason for the budget overages shown represent the fact that the budget cuts listed were not identified until December giving us only the remaining 6 months to effect the reductions. In addition, \$97,000 in unbudgeted Park Rangers retirement payouts have been made through December. These payouts were to be addressed through the supplemental appropriation request originating from the Department of Management. The Department of Management decided not to include these costs in the supplemental.

We will continue to closely monitor budget and expenditure developments during the upcoming quarter.

**Iowa Department Of Natural Resources**

## Financial Status Report

<u>TOTAL DEPARTMENT THROUGH DECEMBER 31, 1999</u>	FY 00 BUDGET	FY 00 BUDGET THRU DECEMBER	FY 00 ACTUAL THRU DECEMBER	00 BUDGET LESS ACTUAL 00
<b>RESOURCES</b>				
General Fund	\$17,068,223	\$8,758,005	\$9,031,028	(\$273,023)
Federal	\$13,086,089	\$6,543,045	\$4,437,490	\$2,105,555
Administration Fund	\$395,000	\$197,500	\$197,500	\$0
Conservation Fund	\$4,381,311	\$2,190,656	\$2,190,656	\$0
Other Funds	\$12,373,967	\$6,186,984	\$4,280,388	\$1,906,596
Groundwater Fund	\$3,376,941	\$1,688,471	\$1,367,278	\$321,193
Fish and Wildlife Trust Fund	\$24,236,883	\$12,118,442	\$11,653,822	\$464,620
<b>TOTAL RESOURCES</b>	<b>\$74,918,414</b>	<b>\$37,683,100</b>	<b>\$33,158,161</b>	<b>\$4,524,939</b>
<b>EXPENDITURES</b>				
Personnel	\$45,055,388	\$22,527,694	\$20,624,920	\$1,902,774
Extra Help	\$2,960,506	\$1,704,146	\$1,762,302	(\$58,156)
Support	\$14,597,701	\$7,298,851	\$7,197,049	\$101,801
Contracts	\$9,600,600	\$4,800,300	\$2,208,699	\$2,591,601
Equipment	\$2,704,219	\$1,352,110	\$1,365,191	(\$13,081)
<b>TOTAL EXPENDITURES</b>	<b>\$74,918,414</b>	<b>\$37,683,100</b>	<b>\$33,158,161</b>	<b>\$4,524,939</b>
<u>ADMINISTRATIVE SERVICES THROUGH DECEMBER 31, 1999</u>	FY 00 BUDGET	FY 00 BUDGET THRU DECEMBER	FY 00 ACTUAL THRU DECEMBER	00 BUDGET LESS ACTUAL 00
<b>RESOURCES</b>				
General Fund	\$1,545,041	\$772,521	\$821,460	(\$48,940)
Federal	\$623,694	\$311,847	\$247,878	\$63,969
Fish and Wildlife	\$2,007,449	\$1,003,725	\$966,891	\$36,834
Groundwater Fund	\$184,453	\$92,227	\$81,910	\$10,317
REAP	\$749,357	\$374,679	\$257,224	\$117,455
Marine Fuel Tax	\$85,592	\$42,796	\$101,800	(\$59,004)
Infrastructure	\$223,594	\$111,797	\$90,649	\$21,148
Other	\$433,012	\$216,506	\$181,631	\$34,875
<b>TOTAL RESOURCES</b>	<b>\$5,852,192</b>	<b>\$2,926,096</b>	<b>\$2,749,443</b>	<b>\$176,653</b>
<b>EXPENDITURES</b>				
Personnel	\$4,269,262	\$2,134,631	\$1,970,545	\$164,086
Extra Help	\$120,100	\$60,050	\$68,722	(\$8,672)
Support	\$1,225,930	\$612,965	\$549,790	\$63,175
Contracts	\$25,000	\$12,500	\$38,528	(\$26,028)
Equipment	\$211,900	\$105,950	\$121,858	(\$15,908)
<b>TOTAL EXPENDITURES</b>	<b>\$5,852,192</b>	<b>\$2,926,096</b>	<b>\$2,749,443</b>	<b>\$176,653</b>
<u>DIRECTOR'S OFFICE THROUGH DECEMBER 31, 1999</u>	FY 00 BUDGET	FY 00 BUDGET THRU DECEMBER	FY 00 ACTUAL THRU DECEMBER	00 BUDGET LESS ACTUAL 00
<b>RESOURCES</b>				
General Fund	\$595,417	\$297,709	\$281,180	\$16,529
Federal	\$491,856	\$245,928	\$206,559	\$39,369
Fish and Wildlife	\$367,460	\$183,730	\$183,730	\$0
Administration Fund	\$395,000	\$197,500	\$197,500	\$0
Groundwater Fund	\$95,208	\$47,604	\$46,320	\$1,284
Other	\$204,236	\$102,118	\$112,314	(\$10,196)
<b>TOTAL RESOURCES</b>	<b>\$2,149,177</b>	<b>\$1,074,589</b>	<b>\$1,027,603</b>	<b>\$46,986</b>

<b>EXPENDITURES</b>				
Personnel	\$1,229,252	\$614,626	\$581,741	\$32,885
Extra Help	\$68,245	\$34,123	\$38,205	(\$4,083)
Support	\$805,680	\$402,840	\$390,831	\$12,009
Contracts	\$0	\$0	\$0	\$0
Equipment	\$46,000	\$23,000	\$16,826	\$6,174
<b>TOTAL EXPENDITURES</b>	<b>\$2,149,177</b>	<b>\$1,074,589</b>	<b>\$1,027,603</b>	<b>\$46,985</b>
<b>ENERGY AND GEOLOGY</b>				
<b>THROUGH DECEMBER 31, 1999</b>	<b>FY 00</b>	<b>FY 00 BUDGET</b>	<b>FY 00 ACTUAL THRU</b>	<b>00 BUDGET LESS</b>
	<b>BUDGET</b>	<b>THRU</b>	<b>DECEMBER</b>	<b>ACTUAL 00</b>
		<b>DECEMBER</b>		
<b>RESOURCES</b>				
General Fund	\$ 1,938,550	\$969,275	\$1,008,855	(\$39,580)
Federal	\$2,788,646	\$1,394,323	\$731,204	\$663,119
Oil Overcharge	\$297,121	\$148,561	\$103,805	\$44,756
Bonding Programs	\$141,982	\$70,991	\$57,447	\$13,544
Groundwater Fund	\$199,582	\$99,791	\$97,703	\$2,088
Other	\$105,093	\$52,547	\$53,354	(\$808)
<b>TOTAL RESOURCES</b>	<b>\$5,470,974</b>	<b>\$2,735,487</b>	<b>\$2,052,368</b>	<b>\$683,119</b>
<b>EXPENDITURES</b>				
Personnel	\$3,114,454	\$1,557,227	\$1,323,075	\$234,152
Extra Help	\$37,000	\$18,500	\$22,260	(\$3,760)
Support	\$467,653	\$233,827	\$283,907	(\$50,081)
Contracts	\$1,718,450	\$859,225	\$342,681	\$516,544
Equipment	\$133,417	\$66,709	\$80,445	(\$13,736)
<b>TOTAL EXPENDITURES</b>	<b>\$5,470,974</b>	<b>\$2,735,487</b>	<b>\$2,052,368</b>	<b>\$683,119</b>
<b>ENVIRONMENTAL PROTECTION</b>				
<b>THROUGH DECEMBER 31, 1999</b>	<b>FY 00</b>	<b>FY 00 BUDGET</b>	<b>FY 00 ACTUAL THRU</b>	<b>00 BUDGET LESS</b>
	<b>BUDGET</b>	<b>THRU</b>	<b>DECEMBER</b>	<b>ACTUAL 00</b>
		<b>DECEMBER</b>		
<b>RESOURCES</b>				
General Fund	\$4,989,784	\$2,494,892	\$2,393,570	\$101,322
Federal	\$8,512,544	\$4,256,272	\$2,961,358	\$1,294,914
Air Contaminant Fees	\$6,405,219	\$3,202,610	\$1,820,654	\$1,381,956
Groundwater Fund	\$1,321,974	\$660,987	\$485,536	\$175,451
Hazardous Waste Remedial Fund	\$311,296	\$155,648	\$144,995	\$10,653
Water Protection Fund	\$1,197,382	\$598,691	\$415,452	\$183,239
Operator Certification Fees	\$80,997	\$40,499	\$26,011	\$14,488
LUST Insurance Fund	\$75,000	\$37,500	\$75,000	(\$37,500)
Land Recycling Fund	\$120,000	\$60,000	\$36,994	\$23,006
Manure Certification Program	\$50,000	\$25,000	\$51,512	(\$26,512)
Stormwater Permit Fees	\$492,265	\$246,133	\$144,191	\$101,942
Well Contractor Fees	\$69,207	\$34,604	\$35,230	(\$627)
Groundwater Professional Regis.	\$45,998	\$22,999	\$16,602	\$6,397
Water Supply Lab. Cert. Fees	\$156,060	\$78,030	\$39,015	\$39,015
Other	\$22,609	\$11,305	\$32,940	(\$21,636)
<b>TOTAL RESOURCES</b>	<b>\$23,850,335</b>	<b>\$11,925,168</b>	<b>\$8,679,060</b>	<b>\$3,246,108</b>
<b>EXPENDITURES</b>				
Personnel	\$13,181,343	\$6,590,672	\$5,941,133	\$649,539
Extra Help	\$0	\$0	\$0	\$0
Support	\$2,972,765	\$1,486,383	\$952,822	\$533,560
Contracts	\$6,709,395	\$3,354,698	\$1,434,170	\$1,920,528
Equipment	\$986,832	\$493,416	\$350,935	\$142,481



<b>TOTAL EXPENDITURES</b>	<b>\$23,850,335</b>	<b>\$11,925,168</b>	<b>\$8,679,060</b>	<b>\$3,246,108</b>
<b><u>FISH AND WILDLIFE</u></b>		<b>FY 00 BUDGET</b>	<b>FY 00 ACTUAL THRU</b>	<b>00 BUDGET LESS</b>
<b><u>THROUGH DECEMBER 31, 1999</u></b>	<b>FY 00</b>	<b>THRU</b>		
	<b>BUDGET</b>	<b>DECEMBER</b>	<b>DECEMBER</b>	<b>ACTUAL 00</b>
<b>RESOURCES</b>				
Fish and Wildlife Trust Fund	\$21,861,974	\$10,930,987	\$10,503,201	\$427,786
Corps Condition 5 Funds	\$297,790	\$148,895	\$160,088	(\$11,193)
<b>TOTAL RESOURCES</b>	<b>\$22,159,764</b>	<b>\$11,079,882</b>	<b>\$10,663,289</b>	<b>\$416,593</b>
<b>EXPENDITURES</b>				
Personnel	\$14,889,445	\$7,444,723	\$7,019,290	\$425,432
Extra Help	\$880,633	\$440,317	\$472,695	(\$32,379)
Support	\$5,091,524	\$2,545,762	\$2,610,839	(\$65,077)
Contracts	\$461,667	\$230,834	\$141,695	\$89,139
Equipment	\$836,495	\$418,248	\$418,769	(\$522)
<b>TOTAL EXPENDITURES</b>	<b>\$22,159,764</b>	<b>\$11,079,882</b>	<b>\$10,663,289</b>	<b>\$416,593</b>
<b><u>FORESTRY</u></b>		<b>FY 00 BUDGET</b>	<b>FY 00 ACTUAL THRU</b>	<b>00 BUDGET LESS</b>
<b><u>THROUGH DECEMBER 31, 1999</u></b>	<b>FY 00</b>	<b>THRU</b>		
	<b>BUDGET</b>	<b>DECEMBER</b>	<b>DECEMBER</b>	<b>ACTUAL 00</b>
<b>RESOURCES</b>				
General Fund	\$1,742,027	\$871,014	\$899,848	(\$28,835)
Federal	\$460,000	\$230,000	\$230,000	\$0
Forestry Enhancement Fund	\$251,690	\$125,845	\$44,745	\$81,100
Forestry Receipts	\$932,000	\$466,000	\$466,000	\$0
Other	\$68,700	\$34,350	\$26,403	\$7,947
<b>TOTAL RESOURCES</b>	<b>\$3,454,417</b>	<b>\$1,727,209</b>	<b>\$1,666,996</b>	<b>\$60,213</b>
<b>EXPENDITURES</b>				
Personnel	\$2,319,987	\$1,159,994	\$1,009,451	\$150,543
Extra Help	\$130,351	\$65,176	\$88,159	(\$22,984)
Support	\$839,696	\$419,848	\$532,173	(\$112,325)
Contracts	\$46,000	\$23,000	\$1,313	\$21,687
Equipment	\$118,383	\$59,192	\$35,901	\$23,291
<b>TOTAL EXPENDITURES</b>	<b>\$3,454,417</b>	<b>\$1,727,209</b>	<b>\$1,666,996</b>	<b>\$60,213</b>
<b><u>PARKS PRESERVES AND RECREATION</u></b>		<b>FY 00 BUDGET</b>	<b>FY 00 AC TUAL THRU</b>	<b>00 BUDGET LESS</b>
<b><u>THROUGH DECEMBER 31, 1999</u></b>	<b>FY 00</b>	<b>THRU</b>		
	<b>BUDGET</b>	<b>DECEMBER</b>	<b>DECEMBER</b>	<b>ACTUAL 00</b>
<b>RESOURCES</b>				
General Fund	\$6,257,404	\$3,352,595	\$3,626,115	(\$273,520)
Federal	\$50,000	\$25,000	\$37,000	(\$12,000)
Park Receipts	\$3,449,311	\$1,724,656	\$1,724,656	\$0
Infrastructure	\$69,191	\$34,596	\$39,330	(\$4,735)
Other	\$303,039	\$151,520	\$172,094	(\$20,575)
<b>TOTAL RESOURCES</b>	<b>\$10,128,945</b>	<b>\$5,288,366</b>	<b>\$5,599,194</b>	<b>(\$310,829)</b>
<b>EXPENDITURES</b>				
Personnel	\$5,162,471	\$2,581,236	\$2,390,738	\$190,497
Extra Help	\$1,579,202	\$1,013,494	\$1,013,494	\$0
Support	\$2,894,565	\$1,447,283	\$1,756,862	(\$309,579)
Contracts	\$131,265	\$65,633	\$104,161	(\$38,528)
Equipment	\$361,442	\$180,721	\$333,939	(\$153,218)

<b>TOTAL EXPENDITURES</b>	<b>\$10,128,945</b>	<b>\$5,288,366</b>	<b>\$5,599,194</b>	<b>(\$310,829)</b>
<b>WASTE MANAGEMENT THROUGH DECEMBER 31, 1999</b>	<b>FY 00 BUDGET</b>	<b>FY 00 BUDGET THRU DECEMBER</b>	<b>FY 00 ACTUAL THRU DECEMBER</b>	<b>00 BUDGET LESS ACTUAL 00</b>
<b>RESOURCES</b>				
Groundwater Fund	\$1,575,724	\$787,862	\$655,809	\$132,053
Federal	\$159,349	\$79,675	\$23,491	\$56,184
Waste Volume Reduction Fund	\$61,188	\$30,594	\$17,332	\$13,262
Waste Tire Program	\$56,349	\$28,175	\$23,576	\$4,599
<b>TOTAL RESOURCES</b>	<b>\$1,852,610</b>	<b>\$926,305</b>	<b>\$720,208</b>	<b>\$206,097</b>
<b>EXPENDITURES</b>				
Personnel	\$889,174	\$444,587	\$388,947	\$55,640
Extra Help	\$144,975	\$72,488	\$58,767	\$13,721
Support	\$348,388	\$174,194	\$129,861	\$44,333
Contracts	\$460,323	\$230,162	\$136,116	\$94,046
Equipment	\$9,750	\$4,875	\$6,518	(\$1,643)
<b>TOTAL EXPENDITURES</b>	<b>\$1,852,610</b>	<b>\$926,305</b>	<b>\$720,208</b>	<b>\$206,097</b>

Ms. Hanson reviewed the financial status report as of 12/30/99 noting that as a result of the General Fund reduction that was imposed by the Governor and approved by the Legislature the Department has seen a reduction of \$192,000 in General Fund monies. She discussed the Park Ranger retirement benefits and related that the Department does not receive direct appropriations for those costs. She explained that the Department normally asks for a Supplemental Appropriation to handle those costs but because of the budget reductions will not be able to do that this year. Ms. Hanson noted that those retirement benefits are a \$97,000 liability to date and that is a concern to the department. She further reviewed details of the expenditure sub-categories.

Rozanne King inquired whether specific areas were targeted when the General Fund reductions were made.

Ms. Hanson replied that the targeted areas were Equipment and Out-of-State Travel.

### **Administrative Rules Review Process**

Ms. Hanson reported that she has been overall coordinator of the Administrative Rules Review Process for the Department. She stated that the people primarily responsible for the work on this project were Christine Spackman, EPD and Arnie Sohn, Parks & Recreation, with Mike Murphy lending oversight. Ms. Hanson noted those three people should receive credit for the work and should be commended for their efforts. She related that the project will simplify the rules for the public.

<b>INFORMATIONAL ONLY</b>
---------------------------

### **TOXIC CLEANUP DAY SERVICE DELIVERY CONTRACT**

Roya Stanley, Division Administrator, Waste Management Assistance Division, presented the following item.

The Commission is requested to authorize the Director to execute this amendment for the spring 2000 Toxic Cleanup Day events. The department recommends that the contract 99-G340-01 be amended to include the three spring Toxic Cleanup Day events at a total cost not to exceed \$91,410.25

The Commission authorized the Director to implement a contract with Safety-Kleen Corp. for the purpose of disposal of wastes collected at Toxic Cleanup Day events for fiscal year 1999. The original contract included a provision to extend the contract for one additional year. The additional Toxic Cleanup Days will be on the same basis as set forth in the original contract.

The DNR has negotiated a local cost share with each county based on the number of households in each host county and the number of Toxic Cleanup Days held previously in that county.

### **Events Selected for Spring 2000**

#### **Clayton County Conservation Board**

Clayton County Fairgrounds

Garnaville Iowa

April 15, 2000

Local share: \$3,609.00

Department share: Not to exceed \$26,391.00

#### **Page County ISU Extension**

Page County Fairgrounds

Clarinda Iowa

April 22, 2000

Local share: \$5,015.25

Department share: Not to exceed \$24,984.75

#### **Pocahontas County Conservation Board**

Pocahontas County Fairgrounds

Pocahontas Iowa

May 6, 2000

Local share: \$2,965.50

Department share: Not to exceed \$15,034

At this time the Commission is requested to authorize the Director to execute the Toxic Cleanup Day contract amendment with Safety-Kleen Corp.

Ms. Stanley reviewed details of the contract amendment.

Discussion took place regarding Safety-Kleen's previous name of Laidlaw Environmental; calculations on DNR costs; and better estimates on the number of people coming to TCD events.

*Motion was made by Rita Venner to approve the Toxic Cleanup Day Service Delivery contract with Safety Kleen Corp. as presented. Seconded by Elizabeth Christiansen. Motion carried unanimously.*

**APPROVED AS PRESENTED**

## **REGIONAL COLLECTION CENTER PROJECT CONTRACT AMENDMENT**

Roya Stanley, Division Administrator, Waste Management Assistance Division, presented the following item.

The Commission is requested to approve an amendment to the Bremer County Regional Collection Center contract by: adding Butler County to the Regional Collection Center service area; and increasing the budget by \$33,890 for costs associated with constructing a satellite collection facility, facility staffing, training, and preparation of county educational materials.

At the Commission's September 1999 meeting, approval was received for the Department to enter into a contract with the Bremer County Sanitary Landfill to add Buchanan County to the Regional Collection Center's service area. Subsequent to that meeting and through negotiations between Bremer and Butler Counties, an agreement was reached to provide hazardous materials collection and disposal services and education for county residents and conditionally exempt small quantity generators. The Department has received a request from Bremer County to amend the Regional Collection Center contract by adding Butler County.

### **Background**

Regional Collection Centers are permanent facilities that provide hazardous waste management education and on-going access for proper disposal of hazardous materials generated by conditionally exempt small quantity business generators and urban and rural households. Since 1994, eleven (11) regional collection centers have been sited across Iowa serving 43 Iowa counties.

In Fiscal Year 1998, regional collection centers received hazardous waste from more than 14,600 households and conditionally exempt small quantity generators. More than 1.3 million pounds of hazardous wastes was collected for proper management and disposal. Approximately 50 percent of these hazardous materials were managed locally (i.e. latex paint, used oil and lead-acid batteries) by recycling or reuse. Hazardous wastes not managed locally were collected by various hazardous waste haulers for out of state landfill disposal or fuel blending.

At this time, the Commission is requested to approve the Bremer County Sanitary Landfill Regional Collection Center contract amendment.

Ms. Stanley distributed copies of the Household Hazardous Materials Toxic Cleanup Days Program Annual Report to the General Assembly. She drew attention to the last page showing a map of the Regional Collection Centers located around the State. She related that this contract amendment would add Butler County to the Bremer County service territory. She expanded on details of HHM cleanup. Ms. Stanley noted that there are three other expansions being discussed and those are as follows: Appanoose County to serve Wayne and Davis counties; Union County to serve Ringgold and Taylor counties; and Metro Waste to include Carroll, Crawford, Shelby, Audubon and Guthrie counties into their service territory.

Gary Priebe asked what a small quantity generator is.

Tom Anderson, WMA Division, responded that it is a generator who generates 200 pounds or less of a hazardous material per month.

*Motion was made by Rozanne King to approve the Regional Collection Center Project Contract Amendment as presented. Seconded by James Braun. Motion carried unanimously.*

**APPROVED AS PRESENTED**

## **PUBLIC PARTICIPATION**

Chairman Townsend announced Public Participation at 10:30 a.m.; no one requested to speak.

## **SOLID WASTE ALTERNATIVES PROGRAM CONTRACTS APPROVAL**

Roya Stanley, Division Administrator, Waste Management Assistance Division, presented the following item.

The Department received seventeen (17) pre-proposals, requesting over \$1.5 million in financial assistance, for consideration during the January 2000 round of funding. Nine (9) applicant projects were selected for further review. If approved they will receive \$407,976 in a combination of forgivable loans and zero interest loans.

The review committee consisted of four persons representing the Waste Management Assistance Division (2), Iowa Society of Solid Waste Operations (1), and the Iowa Waste Exchange (1)

### **Background**

To provide the best and most responsive program, the Waste Management Assistance Division established a 26 member Advisory Committee in June of 1998 to revise and update its Landfill Alternatives Financial Assistance Program. The Advisory Committee represents the Division's stakeholders, including business and industry, state agencies, solid waste organizations, non-profit organizations, educators, and local governments. The revised program has been renamed the Solid Waste Alternatives Program. It focuses on best practices in pollution prevention and recycling, market development and education.

Proposals are accepted on a year round basis and are reviewed four times a year. After initial review selected applicants are contacted to provide further information about the proposed project. Upon satisfactory evaluation of this information, a funding decision is made. There are three (3) types of financial assistance that will be awarded to an applicant selected to receive funding: forgivable loan, zero interest loan, and a 3% interest loan. The type of financial assistance awarded depends upon the awarded amount. The first \$20,000 of an award is eligible as a forgivable loan. The next 150,000 of an award is eligible as a zero interest loan. The remainder of an award will be in the form of a 3% interest loan.

The table below summarizes recommendations by applicant and project type and by the type of award.

<b>Recommended By Applicant Type</b>	<b># Awards</b>	<b>Award Amount</b>	<b>Forgivable Loan Portion</b>
Local Government	2	\$46,425	\$42,500
Private For Profit	3	\$304,500	\$40,000
Private Not For Profit	4	\$57,051	\$57,051
<b>Recommended By Project Type</b>	<b># Awards</b>	<b>Award Amount</b>	<b>Forgivable Loan Portion</b>
Best Practices	7	\$384,543	\$116,118
Education	2	\$23,433	\$23,433
Market Development	0	\$0	\$0
<b>Type of Award</b>	<b># Awards</b>	<b>Award Amount</b>	<b>Forgivable Loan Portion</b>
Forgivable loan only	5	\$79,551	\$79,551
Zero interest & Forgivable loans	3	\$178,424	\$60,000
Zero interest only	1	\$150,000	\$0

At this time, the Department is requesting Commission approval to enter into a contracts with selected applicants whose awards will be in excess of \$25,000 subject to satisfactory review of business plans, negotiation of budget, match, deliverables, and other requested information.

A description of each recommended project, the project type, the amount and type of funding assistance is attached followed by a description of other proposals received.

**SOLID WASTE ALTERNATIVES PROGRAM  
PROPOSAL RECOMMENDATIONS – JANUARY 2000**

The following provides a description of each project, the project type, and the amount and type of funding assistance. The descriptions are organized as projects above \$25,000, those under \$25,000, and proposals received but not selected.

**PROPOSAL RECOMMENDATIONS: ABOVE \$25,000**

**BEST PRACTICES PROJECTS**

<b>Advanced Environmental Technology</b>	<b>Forgivable Loan:</b>	<b>\$0</b>
<b>17575 State Highway 79</b>	<b>Zero Interest Loan:</b>	<b>\$150,000</b>
<b>Middletown, IA 52638-9701</b>	<b>3% Interest Loan</b>	<b>\$0</b>
	<b>Total Award Amount:</b>	<b>\$150,000</b>

<b>Cash Match:</b>	\$1,946,116
<b>In-Kind Match:</b>	\$0
<b>Local Match:</b>	\$1,946,116
<hr/>	
<b>Total Project cost:</b>	\$2,096,116

**Project Title:** Treatment and Recycling Facility

**Contact:** Ronald E. Gregg 949-240-6452

**Project Type:** Best Practices

**Applicant:** Private For Profit

**Description:** The applicant will build and operate an artillery decommissioning plant at the IAAAP (Iowa Army Ammunition Plant). The facility will permanently replace the previously utilized techniques of open burning and landfilling which have seriously contaminated the IAAAP site. Materials to be recycled include: scrap metal, wooden boxes, paper, and cardboard. More than 6,000 tons of material will be recycled annually. The Department will partner with the Iowa Department of Economic Development, U.S. Army, and local agencies in providing funding assistance to the project.

Project Deliverables:

A model for recycling at a munitions dismantling and recycling facility.

Burlington, Iowa

**Target Area**

**Welyn Enterprises**  
922 Daniel Drive  
Waterloo, IA 50704-1225

<b>Forgivable Loan:</b>	<b>\$20,000</b>
<b>Zero Interest Loan:</b>	<b>\$82,000</b>
<b>3% Interest Loan</b>	<b>\$0</b>
<b>Total Award Amount:</b>	<b>\$102,000</b>

<b>Cash Match:</b>	\$127,000
<b>In-Kind Match:</b>	\$0
<b>Local Match:</b>	\$127,000

**Total Project cost:** \$229,000

**Project Title:** Precision Paint Mixing

**Contact:** Dan Ferge 319-236-0958

**Project Type:** Best Practices

**Applicant:** Private For Profit

**Description:** The applicant will purchase of a High Volume Low Pressure (HVLP) paint gun as part of an electrostatic paint spraying system designed to reduce paint purchases, paint waste, volatile organic compound release, and hazardous paint waste. Approximately 318.94 tons of solid paint-related wastes, 5,750 pounds volatile organic compounds, and 660 gallons of hazardous paint waste will be reduced annually.

Primary Deliverables:

A case study that will track of the amount of waste and volatile organic compounds diverted including cost savings.

The applicant will work closely with the Department and the Iowa Waste Reduction Center to publicize the waste reduction and diversion results.

Black Hawk County

**Target Area:**

<b>Top Notch Enterprises</b> <b>28256 U.S. Highway 20</b> <b>Ackley, IA 50601</b>	<b>Forgivable Loan:</b>	<b>\$20,000</b>
	<b>Zero Interest Loan:</b>	<b>\$32,500</b>
	<b>3% Interest Loan</b>	<b>\$0</b>
	<b>Total Award Amount:</b>	<b>\$52,500</b>
	<b>Cash Match:</b>	<b>\$64,500</b>
	<b>In-Kind Match:</b>	<b>\$23,500</b>
	<b>Local Match:</b>	<b>\$88,000</b>
<b>Total Project cost:</b>		<b>\$140,500</b>
<b>Project Title:</b>	<b>Wood Waste Grinding Project</b>	
<b>Contact:</b>	Dave Keninger 515-847-3591	
<b>Project Type:</b>	Best Practices	
<b>Applicant:</b>	Private For Profit	
<b>Description:</b>	The applicant will grind scrap wood from their pallet recycling business and wood waste from external sources. Ground wood chips will be marketed as bedding and mulch. Expected diversion is 1,000 tons annually.  Project Deliverables: Develop a market for wood waste in Hardin County.	
<b>Target Area:</b>	Black Hawk, Cerro Gordo, Franklin, Hardin and Marshall Counties	

(A list of the proposals below \$25,000 and those received but not recommended is on file in the Department's Records Center)

Ms. Stanley reviewed details of the projects. She noted that the SWA program was revamped last year and the Department now accepts applications four times a year.

A lengthy discussion followed regarding various aspects of the program particularly those focusing on recycling, education, marketing, and construction site recycling.

*Motion was made by Rita Venner to approve the Solid Waste Alternatives Program contracts as presented. Seconded by Elizabeth Christiansen. Motion carried unanimously.*

**APPROVED AS PRESENTED**

Gary Priebe inquired about the status of the Otho tire pile cleanup and expressed concern that there were eight truck loads of tires dumped there last Friday.

It was suggested that Mike Murphy have the field office check out the situation and Ms. Stanley stated that she would put an item on the agenda next month to provide an update on the project.

### **APPOINTMENT – MIKE BERKSHIRE (C.R. LANDFILL SITING PROCESS)**

Mike Berkshire, Bluestem Solid Waste Agency, stated that he felt it would be important for the Commission to have an awareness of the process Bluestem has completed to find a landfill site. He noted that this is the first landfill to be sited since current rules were written. He related that Bluestem would be submitting their application to the Department for a landfill permit in the



next month. He distributed copies of his overhead presentation and expanded on each of the following topics: Bluestem Mission; integrated solid waste management; HHW management; recycling, composting and landfilling; the landfill siting process; siting strategic plan; affected parties meeting; local government partnership; financed through landfill and recycling fees; services and materials available to residents and businesses in Linn Co. He discussed the Citizen Advisory Committee (CAC) formed in the Fall of 1996; the CAC mission, responsibilities, educational meetings, and criteria development. Also discussed was community open houses as alternatives to public meetings; Linn Co. land use plan and exclusive use zoning ordinance; current process; willing seller activities; results of process (three potential sites); process continued; local siting approval request; and next steps in the process.

Director Johnson asked Mr. Berkshire his view of the Linn County landfill use plan and exclusive use zoning ordinance.

Mr. Berkshire replied that it excluded approximately three-fourths of the land within the county. He added that with the concerns of the CAC, the types of locations they were looking at involved the depth of the bedrock which was very important to them. He related that normally they find prime farmland sits on top of large amounts of that bedrock.

Director Johnson asked if the same restrictions apply to all other development in Linn County.

Mr. Berkshire indicated that the exclusive use zoning ordinance only pertains to landfills.

Larry Wilson asked about what happened with the three potential sites which were eliminated.

Dave Hogan, Bluestem, stated that due to the expenditure of time for appraisals and necessary process of acquisition with the individual property owners, negotiations broke off with two of the parties before they formally offered the sites to Bluestem. He related that the remaining site, the one Bluestem ended up with, had an offer, counter offer and final offer was made.

Discussion followed regarding the Board's decision to go with that site.

#### **APPOINTMENT - PAMELA PROCHASKA (C.R. LANDFILL SITING)**

Pamela Prochaska, Ely, Iowa, distributed copies of supporting information to her presentation, noting correspondence from Dr. Jeff Nekola, Assistant Professor with Dept. of Natural and Applied Sciences at University of Wisconsin; stating that the proposed landfill site is the best piece of undeveloped forestland in Southern Linn County and has been on the radar screen of The Nature Conservancy for over 15 years. She also spoke of supporting letters from Marilyn Keller, President of Indian Creek Neighborhood Association; Ron Sims, Cedar Valley Neighborhood Association; Gene Wolter, former Soil and Water District Conservationist; Ronald Bruner and Judy Anderson-Bruner; Randall Luse, Robert Libra, Geological Survey Bureau, DNR; and Carol Brannaman, Linn County Farm Bureau. She also distributed copies of minutes from CAC siting meeting and a number of newspaper clippings pertaining to the

proposed landfill and maps of the area. Ms. Prochaska presented the following written statement to the Commission:

“In the site proposal from Bluestem SWMA (BS) resented to the City of Cedar Rapids, which is some what like giving a Christmas present to yourself given the integrated management structure of these two entities, BS states, ‘the facility will be operated in a manner similar to the exiting two landfills operated by the applicant.’ (At this point she played a videotape of Bluestem site #1 and noted that she could not get photos of site #2). She went on with her statement saying that “Bluestem touts their new state-of-the-art landfill of tomorrow will be nothing like this, but my mom always told me I had to drive the old family sedan well, before I’d get to drive a Cadillac. The fact remains that birds, odor, dust, vermin, and blowing waste are ‘operation issues’ at Bluestem’s present landfills that are not being managed to the to the satisfaction of the surrounding communities and neighbors, as attached letters from community groups will attest.

The Iowa Code states that to site a landfill, ‘the project must be necessary to accommodate the solid waste management needs of the area which the project is intended to serve.’ Iowa Code Sec. 455B.305A.

Before siting a new landfill, the DNR is to assess availability of landfill space throughout our region. Will this be done prior to the signing of a permit? As we speak, a garbage war is brewing in Linn County. Only 25 % of the waste stream is governed by the 28e agreement Bluestem has with city and county governments. We are told we have a unique situation in managing garbage/recycling in our area due to the 75% of industrial waste that goes to our tow landfills. Waste Mgmt., Inc., the largest waste management firm n the world, is negotiating with three small local communities to Cedar Rapids, Lisbon, Mt. Vernon, and Mechanicsville, to build a waste transfer station. They have purchased area waste haulers, and intend to initially haul 120 tons a day of commercial and industrial waste from our region, with plans for further expansion. To ignore WMI’s intention to invade the commercial/industrial market in Linn County is akin to ignoring a 600 pound gorilla in your living room, both are ill advised. Efforts by Bluestem to preserve the present waste stream are being threatened. Per their 1/18/00 fiscal report, tipping fee revenue projections are down 4% for FY01, and off 15.7 % from actual FY99 fees, all this, without a decrease in fees to the public. How can the DNR justify the establishment of a 492 acre landfill site with an 88 acre footprint, for the disposal of exclusively Linn County waste, (as Bluestem states they have no intention of accepting regional waste), when they cannot guarantee for any foreseeable future that they will have necessity for such a large site? Or have the guarantee of a waste stream large enough to warrant this facility? They simply do not control enough of the waste stream to support such a large landfill, and with an expected \$28-32 million commitment, are placing our city and our county at grave financial risk with such a proposal.

Bluestem has 28 acres of DNR permitted land at site #2 on Highway 13 that has an estimated 200-300’ natural soil barrier to bedrock, that is presently not being used for landfill. So the argument for haste in site selection due to impending room constraints is absolutely not a valid one. There is additional county-owned land adjacent to this property, which could be used for expansion, that the county sees no reason to use for a landfill. When questioned about this much more geologically suitable site’s expansion, the public have gotten anything but a straight answer, with references by county officials to a ‘gentlemen’s’ agreement’ existing between area farmers and them in regards to projected closure dates. But this vague promise has no validity whatsoever according to Jean Oxley, onetime county supervisor. The Corn Suitability Rating exclusion, which was used to remove the original 13 sites from consideration k has also been cited as a possible reason for non-expansion, though is legally untested for expansion issues, and is rather ambiguous, given the County’s ability to waive this restriction. Unlike the Hennessey Woods, site #2 has no natural springs, no highly caustic fly ash deposits from ADM on the site, no apparent endangered species, no close proximity to a river, no woodlands, no steep terrain, no exposed bedrock, and a rural location with hundred’s fewer neighbors. In their own priority rankings of site selection, the Citizen’s Advisory Committee ranked geologic suitability as the #1 priority in siting a landfill. The present site is in no way as geologically suitable as land already owned by Bluestem and the County, some of which is presently permitted by the DNR. To ignore the #1 criteria of their own advisory committee just because they can, even when other options are immediately available,

so they can attempt to commit environmental homicide to an already fragile area, is to violate the trust of the public they are charged to serve and protect. The DNR is not to consider permitting a new landfill if other options/alternatives are available for our solid waste. It is to be the option of the last resort. Bluestem or WMI have the option to operate a waste transfer station in our County, and WMI has every intention of doing so. Time constraints prevent me from discussing other alternatives to the landfill at this time, but please know we are also investigating these options vigorously, and would like to share those ideas with you.

The Iowa Code further states, 'The project is designed, located, and proposed to be operated so that the public health, safety, and welfare will be protected.' 455B.405A.2.

In core drilling reports recently acquired by attorney Wally Taylor, from Foth and Van Dyke, up to 8' of caustic fly ash is present in some areas of the site. With an acidity of 12-13.5, I question the ability of Bluestem to guarantee the public's safety in operating its landfill with this fly ash present. In fact, Bluestem Director Hogan gave sworn testimony last July that the fly ash would need to be removed from the site, and there are tons and tons and tons of it there. Some core reports reflect an 'oily smell' at a depth of 24', others at 36'. I suspect fly ash, which would indicate that indeed, there is significant downward gradient on the site, and the potential for groundwater contamination is real. Earlier I mentioned odor, dust, noise, vermin, bird, and water concerns, which can only be minimized at best, not controlled to the extent that they have no threat to public safety. Yet that is what the aforementioned section of the Iowa Code requires. There is significant documentation citing proximity to landfills as conclusive evidence for increased occurrence of birth anomalies and cancer. Ref. Bruner'99, attached. This poses a dilemma for the siting and permitting authorities, if they so choose to site/permit a new landfill. It is an insult to our conscious desire to 'do no harm to others' to consider that our actions are harmful. But placing a landfill in an environmentally questionable, populated area does, and will indeed harm real people, the very persons these laws are designed to protect. The law states clearly that the health, safety, and welfare of the public is to be protected. I would suggest even to the exclusion of permitting a new landfill on a site that is less than optimal. Yet, in sworn testimony Foth and Van Dyke lead engineer for this project, Tim Hall would only describe the site as 'adequate'. When pressed he would not swear that out wells in the area would not be contaminated. To act with less than exemplary responsibility towards the public, is to remain vulnerable to voluminous liability concerns. Bluestem/County/City officials are desperate to site this landfill. They have manipulated the law and the facts to ensure a positive outcome, and have spent millions of taxpayer dollars. Please refer to conflicting site information in Bluestem staff responses to public concerns on their WEB site at <http://www.bluestem.org/LSAResponses.html#SiteFeatures>, to draw your own conclusions.

In summary, I would like to ask this body to consider the serious nature of the concerns I have raised here today, and I have many more, as well as those raised in the attachments to this statement. My presence here today is not exclusively motivated out of my desire not to be an unwilling host to a landfill. It is for us to do our best, for Iowa to be the best, to protect the environment for future generations, and to serve my community to the best of my capability. I can only do this armed with all the information I can muster. I sincerely hope our government officials represented here will do the same. Thank you."

Brief discussion followed.

### **APPOINTMENT – SUSAN RIGDON (C.R. LANDFILL SITING)**

Susan Rigdon, Ely, distributed copies of a paper containing comments from the Citizens Advisory Committee along with a packet of information containing colored maps of the area, and newspaper clippings related to the landfill site. She submitted the following written statement:

"I am so encouraged to know the level of commitment Governor Vilsack, Director Paul Johnson and the DNR and the EPC have to the quality of our environment! It is with this in mind that I came here today

to share with you some information I feel you should be aware of. Bluestem is a 28E government agency made up of Cedar Rapids city council members, two Linn County supervisors, one Marion city council member and the City of Cedar Rapids solid waste director. I feel very concerned by the set up of this organization, due to the fact that many organizations in the City rely on them for funding, or approval of funding and are therefore not willing to make a statement about this landfill. Organizations that would otherwise take a stand will say nothing due to the city's involvement. Citizens spoke for over 5 ½ hours at 5 minutes each at the public hearing. All comments heard opposed this site. Also over 2000 signatures were gathered in less than 10 days against this site. Even so, the City chose to move forward with the siting of this landfill. As county residents we have no one we can turn to for support. The more than 200 families within one mile of this site are left without anyone representing them. So here we are hopeful you will listen to our concerns about the suitability of this site.

It has become extremely obvious that Bluestem is very good at public relations and they seem to have a proponent in every corner of the city and county government. In fact, I was informed that a former Bluestem public relations employee is a member of the EPC. In the fairness to the people affected and the environment I urge you to question everything. Don Thomas, Bluestem board member, initially stated there were a handful of neighbors around this site. However, over 140 families within ½ mile of this site received letters from Bluestem indicating them as neighbors. Also during the public hearing many neighbors commented on the spring fed streams that run through the site. Bluestem consultant, Tim Hall with Foth and Van Dyke stated to the Bluestem board "they were dry run streams." This is misinformation. (she circulated several photos) In late 1999 this picture was taken of a stream that runs into and through this site. This picture was taken during a statewide burn ban. As you can see there is water in it.

Also at a Bluestem board meeting in September, Mike Berkshire presented information to the Bluestem board about the hydrogeologic investigation, the archaeological investigation and the plant and animal survey. Mike asked for approval of funds in the total of \$323,500 to complete the surveys. After the funds were approved, one Bluestem board member asked when these studies were expected to be completed. Mike informed them "by March of 2000". Bluestem director Dave Hogan was there. Bluestem staff was there and the information that was being presented was from the consultant, Foth and Van Dyke. I have a great concern due to the fact that I as a citizen seemed to be the only one in the meeting who knew that the information Mike shared had to be incorrect. Due to the fact that I spoke with John Pearson with the DNR and he informed me that a plant and animal survey should take a year to complete, or at least over the growing season.

There is also conflicting information on the geologic suitability of this site. Tim Hall, who 10 years ago was a DNR employee, received an unfavorable opinion on this site for a fly ash dump, from the IGS. Now he is the consultant with Foth and Van Dyke, and has reported this is an adequate site for a landfill. As you can see there is reason for the public concern. The information you receive comes from Bluestem, their consulting agency and Tim Hall. I am concerned about the information you receive due to the reasons previously stated. And hope you will be very diligent in reviewing all information you receive regarding this site.

I must say I am very hopeful about the support of our State, due to the fact that our Governor and DNR director are so committed to protecting our environment. On Earth Day 1999, Governor Vilsack asked Iowans to consider their individual environmental responsibility. I believe the majority of people in Iowa are responsible, but how can you expect citizens to be stewards of the land when the local government has the ability to condemn 497 acres of land, of which 425 acres are timber. The amount of land they plan on clearing for the landfill footprint itself is 88 acres. That equals approximately 80,000 trees according to the Linn County Natural Resource Committee. Another area of major concern at the State level is the water quality of our rivers and streams. With the clean water initiatives and the commitment to water monitoring, it seems contradictory that this landfill could be placed here within 1000 feet of the Cedar River, at a 250' elevation above the river. During the Iowa Environmental Council's annual conference this past summer a Texas resident approached me and others concerned with this proposed landfill site. He indicated his concern for the Gulf of Mexico and wondered what the State of Texas would think if they knew Iowa was siting a new landfill so close to the Cedar River. We need to have laws that protect us from our local government's abuse of power. I believe there is no other citizen or business that could disrupt this land in such a manner and place a landfill

that is so environmentally abusive here. If we are to expect the citizens to learn the impacts we have on our environment and then commit ourselves to improvement (in Gov. Vilsack's own words), then we should expect no less from our elected officials. Empowering the individual by encouraging stewardship of the land is the first step in returning to a way of living where the earth is honored and not abused. We must have our local and State governments lead by example. Knowing the importance of the environment for the future well-being of our State, country and the world, it is time to take a stand for what is in the best interest of us all. Unique areas such as this need protection and we look to you to pave the way. Show the people of this great State and the incredible citizens of Linn County the commitment you have to our diverse and beautiful Iowa."

#### **APPOINTMENT – KENNETH VOGEL (C.R. LANDFILL SITING)**

Kenneth Vogel, landowner across from the proposed landfill site, spoke in opposition to the landfill. He related that the area is heavily timbered with walnut, oak, hickory, maple, etc. type of trees. He stated there is a quarry that is operating on this area and it is undermined with fractured limestone. Mr. Vogel noted that last Fall there was continuous water running through the area which has natural streams, and is a very good possibility of karst terrain. He spoke about a large sink hole near the area. Mr. Vogel stated that Bluestem one criteria of the CAC was a willing seller and Bluestem had no willing seller and he expanded on that issue. He also said that in 1988, Tim Hall said this was not an acceptable site for a landfill. He related that the local organizations are not taking a stand on this because the City Council, who controls the Bluestem board, also controls the funding that goes to some of the local organizations. Mr. Vogel spoke about the frustration citizens feel when city and county officials are the only people they can turn to and they are in relations with the Bluestem board. He quoted Iowa Code 455B.305A stating that it says siting approval shall be granted only if the proposed project meets all of the criteria, but the thing that concerns him is the portion that says projects will be located to minimize a compatibility with the character of the surrounding area. He related that the landfill site is in the middle of a residential area, adding that there are some homes that are within ¼ mile of the site.

#### **APPOINTMENT – KAREN BALDERSON (C.R. LANDFILL SITING)**

Karen Balderson, expressed concern with the siting of the landfill and expanded on that issue. She stated that landfilling is an old, outdated archaic way of dealing with garbage and related there are many new viable alternatives for handling wastes.

#### **MONTHLY REPORTS**

Mike Valde, Division Administrator, Environmental Protection Division, presented the following item.

The following monthly reports are enclosed with the agenda for the Commission's information.

1. Rulemaking Status Report
2. Variance Report
3. Hazardous Substance/Emergency Response Report
4. Enforcement Status Report

## 5. Contested Case Status Report

Members of the department will be present to expand upon these reports and answer questions.

**RULEMAKING STATUS REPORT**  
**February 1, 2000**

Proposal	Notice Comm	to Notice Publish	ARC#	Rules Review Comm	Hearing	Comment Period	Final Summary to Comm	Rules Adopted	Rules Publish	ARC #	Rules Review Comm	Rule Effective
1. Ch. 22 – Revised Cap – Title V Permits	11/15/99	12/15/99	9536A	1/04/00	1/14/00	1/14/00	2/21/00	*2/21/00	*3/22/00		*4/03/00	*4/26/00
2. Ch. 23 – Adoption by Reference – NESHAPS	11/15/99	12/15/99	9535A	1/04/99	1/14/00	1/14/00	2/21/00	*2/21/00	*3/22/00		*4/03/00	*4/26/00
3. Ch. 60, 62, 63 – Monitoring, Reporting and Analytical Requirements	10/18/99	11/17/99	9478A	12/14/99	12/10/99	12-20-99	*3/20/00	*3/20/00	*4/19/00		*5/02/00	*5/24/00

**VARIANCE REPORT**  
**January 2000**

Item No.	Facility	Program	Engineer	Subject	Decision	Date
1	LaFarge Corporation- Buffalo	Air Quality		Permit Requirements	Denied	01/06/00
2	Pella Municipal Power Plant-Pella	Air Quality		Fuel Test	Approved	01/03/00
3	Reilly Construction Co., Inc- Portable Concrete Crushing Plant-Ossian	Air Quality		Loading	Approved	01/03/00
4	ADM Landfill-Clinton	Solid Waste	Terracon	Cover-(Slope)	Approved	01/11/00
5	ADM Landfill-Clinton	Solid Waste	Terracon	Cover-(Depth)	Approved	01/11/00
6	Poweshiek County Sanitary Landfill	Solid Waste	Fox Engineering	Groundwater Monitoring	Approved	01/13/00
7	Iowa City, City of	Watersupply Construction	Howard R. Green Co.	Innovative/Alternative Treatment Technique	Approved	01/04/00
8	White Springs Restaurant-McGregor	Watersupply Construction	IIW Engineers and Surveyors	Design Basis	Approved	01/14/00

**HAZARDOUS SUBSTANCE/EMERGENCY RESPONSE REPORT**

During the period January 1, 2000, through January 31, 2000, 42 reports of hazardous conditions were forwarded to the central office. A general summary and count by field office is presented below. This does not include releases from underground storage tanks, which are reported separately.

**Substance**

**Mode**

Month	Total Incidents	Agri-chemical	Petroleum Products	Other Chemicals	Transport	Fixed Facility	Pipeline	Railroad	Fire	Othe
October	62 (50)	6 (7)	48 (25)	5 (14)	32 (24)	23 (18)	1 (2)	2 (0)	0 (0)	4 (6)
November	63 (56)	10 (7)	36 (35)	16 (7)	24 (25)	31 (28)	1 (2)	3 (0)	1 (0)	3 (1)
December	65 (35)	10 (4)	39 (20)	16 (7)	23 (12)	32 (18)	1 (2)	4 (0)	0 (0)	5 (3)
January	42 (39)	4 (0)	29 (18)	9 (8)	13 (7)	25 (30)	1 (0)	0 (0)	0 (0)	3 (2)
February	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
March	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
April	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
May	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
June	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
July	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
August	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
September	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
<b>Total</b>	<b>232 (180)</b>	<b>30 (18)</b>	<b>152 (98)</b>	<b>46 (36)</b>	<b>92 (68)</b>	<b>111 (94)</b>	<b>4 (6)</b>	<b>9 (0)</b>	<b>1 (0)</b>	<b>15 (</b>

Total Number of Incidents Per Field Office This Period:

1	2	3	4	5	6
6	5	11	3	10	7

**ENFORCEMENT STATUS REPORT**

Name, Location and Field Office Number	Program	Alleged Violation	Action	Date
New Virginia Sanitary Sewer District, New Virginia (5)	Wastewater	Compliance Schedule	Order/Penalty \$5,000	1/04/00
Holland Contracting Corp., Forest City (2)	Air Quality	Open Burning	Order/Penalty \$6,000	1/04/00
Benefit Water District #2, Boone Co. (5)	Drinking Water	Certified Operator	Order/Penalty \$2,500	1/06/00
10 <sup>th</sup> Hole Food & Spirits, Calamus (6)	Drinking Water	Monitoring/Reporting Bacteria, Nitrate; Public Notice	Order/Penalty \$1,000	1/06/00
Steven Reimers, Schaller (3)	Air Quality Solid Waste	Open Burning; Illegal Disposal	Order/Penalty \$5,000	1/12/00
Jerry L. Roney, Huxley (5)	Underground Tank	Site Assessment	Order/Penalty \$2,000	1/12/00
University of Iowa, Iowa City (6)	Wastewater; Hazardous Condition	Prohibited Discharge; Failure to Notify	Order/Penalty \$10,000	1/24/00
Minsa Corporation, Council Bluffs (4)	Wastewater	Pretreatment; Monitoring/Reporting; Operational Violations	Order/Penalty \$10,000	1/24/00
Tiffin, City of (6)	Wastewater	Discharge Limits	Amended Order	1/24/00
Haasco, Ltd., Dyersville (1)	Air Quality	Asbestos	Amended Order	1/24/00
Horsley Specialties, Inc.,	Air Quality	Asbestos	Consent	1/24/00

Des Moines (5)			Amendment		
Red Oak Lanes; Richard Culver, Red Oak (4)	Solid Waste	Illegal Disposal	Order/Penalty \$10,000		1/24/00
Hawkeye Rubber Mfg. Co., Cedar Rapids (1)	Hazardous Condition	Remedial Action	Consent Order		1/24/00
Meadowknolls Addition, Linn Co. (1)	Drinking Water	Monitoring/Reporting Bacteria, Nitrate, Other Inorganics; Public Notice	Order/Penalty \$1,500		1/28/00
Woodharbor Molding and Millworks, Inc. (2)	Air Quality	Construction Without Permit	Order/Penalty \$3,000		1/28/00
Gold Eagle-Farmland L.C., EagleGrove (2)	Air Quality	Construction Without Permit	Order/Penalty \$5,000		1/28/00

## ATTORNEY GENERAL REFERRALS

Name, Location and Region Number	Program	Alleged Violation	DNR Action	New or Updated Status	Date
Adrian, Dean Clinton Co. (6)	Animal Feeding Operation	Prohibited Discharge- Open Feedlot; Water Quality Violations- General Criteria	Referred to Attorney General	Referred Petition Filed	3/15/99 9/13/99
Ballard, Randy Fayette Co. (1)	Flood Plain	Construction Without Permit	Order/Penalty	Referred Petition Filed Trial Date	5/29/96 6/05/98 1/13/00
Bodensteiner, Edward Des Moines (5) <b>UPDATED</b>	Underground Tank	Site Assessment	Order/Penalty	Referred Petition Filed Motion for Partial Summary Judgment Partial Summary Judgment (Injunction) Trial	8/17/98 12/22/98 11/24/99 1/18/00 1/24/00
Citizens Against Golden Oval Winnebago Co. (2) <b>UPDATED</b>	Animal Feeding Operation	DNR Defendant	Defense	Petition Filed Motion for Dismissal Resistance to Stay Hearing on Stay Petition for Stay Denied Hearing	8/20/99 9/07/99 9/07/99 9/07/99 10/05/99 2/18/00
DeCoster, A.J. Nursery Unit #3 Wright Co. (2)	Animal Feeding Operation	Prohibited Discharge	Referred to Attorney General	Referred Petition Filed Consolidated With Sow Unit #1 (See Below)	8/19/96 11/25/96 4/28/97
DeCoster, Austin J. Sow Unit #1 (2)	Animal Feeding		Referred to	Referred Petition Filed	1/22/97 4/24/97



## Environmental Protection Commission Minutes

February 2000

	Operation	Prohibited Discharge	Attorney General	Ruling Denying Defendant's Motion for Partial Summary Judgment	9/02/97
				Ruling Granting State's Motion for Partial Summary Judgment	9/04/97
				Trial	9/16-18/97
				Ruling for State	1/15/98
				Defendant's Notice of Appeal	2/13/98
				Defendant's Proof Brief Filed	7/08/98
				State's Brief	10/08/98
				Supreme Court Arguments	12/13/99
<hr/>					
DeCoster, Austin J. Sow Unit #11; Nursery Unit #7 Wright Co. (2)	Animal Feeding Operation	Prohibited Discharge	Referred to Attorney General	Referred Petition Filed Consolidated With Nursery Unit #4 (See Below)	6/20/97 3/20/98
<hr/>					
DeCoster, Austin J. Nursery Unit #4 Wright Co. (2) <b>UPDATED</b>	Animal Feeding Operation	Prohibited Discharge	Referred to Attorney General	Referred Petition Filed Trial Date Post Trial Brief Ruling on Petition (\$25,000/Civil) Defendant's Notice of Appeal Defendant's Brief State's Brief	8/18/97 3/20/98 3/16/99 3/30/99 5/28/99 6/24/99 11/01/99 2/04/00
<hr/>					
DeCoster, Austin J. Nursery M-1 Lucas Co. (5)	Animal Feeding Operation	Prohibited Discharge	Referred to Attorney General	Referred	11/16/98
<hr/>					
DeCoster, Austin J. Nursery M-1 Lucas Co. (5)	Animal Feeding Operation	Prohibited Discharge – Confinement; Failure to Report a Discharge	Referred to Attorney General	Referred	12/20/99
<hr/>					
Enviro Safe Air, Inc. Sioux City (3)	Air Quality	Asbestos	Referred to Attorney General	Referred	10/18/99
<hr/>					
Flannegan Conservation Service; Hugh J. Flannegan Emmetsburg (3)	Solid Waste	Operation Without Permit	Referred to Attorney General	Referred Closed	11/16/98
<hr/>					
Grell, Don d/b/a Dodger Enterprises Ft. Dodge (2)	Solid Waste	Illegal Disposal	Order/Penalty	Referred Petition Filed Application for Temporary Injunction Temporary Injunction Granted State's Motion for Partial Summary Judgment Order Granting Partial Summary Judgment Trial Date Ruling (\$3,500,000/Civil) Notice of Appeal	1/20/98 8/25/98 9/28/98 10/26/98 2/12/99 3/18/99 4/14/99 4/22/99 5/17/99

Grell, Don d/b/a Dodger Enterprises Ft. Dodge (2) <b>UPDATED</b>	Solid Waste	Illegal Disposal	Judicial Review	Petition Filed State's Answer Defendant's Brief State's Brief Hearing Ruling for State Notice of Appeal	10/19/98 11/17/98 7/23/99 8/24/99 9/09/99 11/18/99 12/07/99
Hahn, Oscar Solon <b>UPDATED</b>	(6) Air Quality Solid Waste	Open Burning Illegal Disposal	Order/Penalty	Referred Petition Filed Entry of Default Motion for Default Judgment Hearing	12/18/95 4/18/96 11/01/96 12/02/99 2/04/00
Henry County Board of Supervisors Henry Co. (6)	Wastewater	Other; Operation Violations	Referred to Attorney General	Referred	2/15/99
Holnam Incorporated Mason City (2)	Air Quality	Excess Emissions	Referred to Attorney General	to Referred	3/15/99
Hollingsworth, Daryl & Karen ....Indianola (5)	Underground Tank	Financial Responsibility	Order/Penalty	Referred	10/18/99
Huyser, James; Trust Trucking ....Lovilia (5)	Underground Tank	Site Assessment	Referred to Attorney General	Referred Petition Filed Dismissed for Lack of Service Bankruptcy Petition Filed	11/21/94 4/18/96 9/20/96 9/20/96
Iowa Millenium Investors, LLC .....Des Moines (5)	Underground Tank	Site Assessment	Order/Penalty	Referred	10/18/99
LaFarge Corporation Davenport (6)	Air Quality	Excess Emissions	Referred to Attorney General	to Referred	3/15/99
Larson, Daryl Jones Co. (1)	Animal Feeding Operation	Freeboard Cleanup Costs	Referred to Attorney General	Referred	5/17/99
Lehigh Portland Cement Co. Mason City (2)	Air Quality	Construction Permit	Without Referred to Attorney General	Referred Petition Filed	8/17/98 11/05/99
Martinez, Vincent d/b/a Martinez Sewer Service Davenport (6)	Hazardous Condition	Remedial Action	Order/Penalty	Referred Petition Filed Partial Default Judgment (Injunction)	2/17/92 12/21/92 10/11/94

## Environmental Protection Commission Minutes

February 2000

Mills County Landfill Assn. & Remonot County Landfill Assn. ....Mills Co. (4)	Solid Waste	DNR Defendant	Defense	Petition Filed Answer Filed	11/05/99 11/29/99
Morgan, Ron d/b/a Action Jack's Paintball Park Polk Co. (5)	Solid Waste	Illegal Disposal	Order/Penalty	Referred	2/15/99
Organic Technologies; Tim Danley; Ken Renfrow; Mike Danley .....Polk Co. (5)	Solid Waste	Permit Violations	Order/Permit Revocation	Judicial Review Petition Filed Ruling for State Notice of Appeal	12/21/97 6/12/98 7/19/98
Organic Technologies; Tim Danley; Ken Renfrow; Mike Danley Warren Co. (5)	Solid Waste	Permit Violations	Referred to Attorney General	Referred Petition Filed Application for Temporary Injunction Temporary Injunction	12/15/97 10/02/98 2/04/99 4/19/99
Pewe Mercantile, Inc.; Dion Pewe Grand Mound (6)	Underground Tank	Insurance Violation; Site Check	Order/Penalty	Referred Petition Filed Trial Date	11/16/98 4/08/99 12/04/00
Phillips, Jeff; Phillips Recycling Story Co. (5)	Wastewater	Stormwater; Operation Without Permit	Order/Penalty	Referred	8/16/99
Reed, Verna and Don; Andrea Silsby Union Co. (4) <b>UPDATED</b>	Solid Waste	Illegal Disposal	Order/Penalty	Referred Petition Filed Entry of Default Motion for Default Judgment Default Judgment (\$1,000/Admin.)	6/20/94 8/10/94 12/12/94 12/27/99 1/06/00
Relative, Inc.; Doug Smuck Des Moines (5)	Underground Tank	Insurance Violation	Order/Penalty	Referred Petition Filed Order Granting Default Judgment	10/17/94 5/12/95 11/26/96
Spillway Supper Club Harpers Ferry (1)	Drinking Water	Permit Renewal Fee	Order/Penalty	Referred	6/21/99
Stamper, Ray; Bryan Zenor Polk Co. (5)	Solid Waste	Illegal Disposal	Order/Penalty	Referred Motion for Judgment Hearing Judgment (\$2,000/Admin.)	6/21/99 9/03/99 11/30/99 11/30/99
Village Realty Pottawattamie Co. (4) <b>UPDATED</b>	Underground Tank	DNR Defendant	Defense	Petition Filed State's Motion to Dismiss Order Granting Partial Dismissal Motion for Summary Judgment	8/12/98 10/08/98 12/22/98 1/27/00
Walker, Jim Iowa City (6)	Air Quality Solid Waste	Open Burning Illegal Disposal	Order/Penalty	Referred Motion for Judgment	10/18/99 1/25/00

**UPDATED**

Weber Construction, Inc. Cascade (1)	Air Quality	Asbestos	Petition for Review	Petition Filed Answer Filed Hearing Ruling for State Notice of Appeal	11/19/98 12/23/98 8/24/99 8/31/99 9/27/99
White, Robert Jeff White, Dave Dallas Center (5) <b>UPDATED</b>	Air Quality; Solid Waste	Open Burning; Illegal Disposal	Order/Penalty	Referred Petition Filed Dismissed Without Prejudice Petition Against Dave White Filed Answer Filed	4/20/98 2/05/99 9/24/99 11/15/99 12/06/99
Wunschel Oil Co.; Vernus Wunschel and Jaquelyn Wunschel Battle Creek (3)	Underground Tank	Site Assessment	Referred to Attorney General	Referred Motion for Judgment Consent Decree (\$6,400/Admin.) Referred	1/17/95 8/28/96 12/13/96 3/30/98
Zook, Russell d/b/a Haskins Recycling .....Ainsworth (6)	Air Quality Solid Waste	Open Burning; Illegal Disposal	Order/Penalty	Referred	5/17/99

**CONTESTED CASE REPORT**

<b>DATE RECEIVED</b>	<b>NAME OF CASE</b>	<b>FO</b>	<b>ACTION APPEALED</b>	<b>PROGRAM</b>	<b>ASSIGNED TO</b>	<b>STATUS</b>
6/08/89	Hawkeye Rubber Mfg. Co.	1	Site Registry	HW	Tack	Settled. Consent order entered 1/6/00. Closed.
6/08/89	Lehigh Portland Cement Co.	2	Site Registry	HW	Murphy	Hearing continued. Status report requested from land quality bureau 12/1/99.
11/03/89	Bridgestone/Firestone, Inc.	5	Site Registry	HC	Murphy	Hearing continued pending negotiations. Settlement proposed 8/96. Status report requested from land quality bureau 12/1/99.
5/08/90	Texaco Inc./Chemplex Co. Site	6	Site Registry	HW	Murphy	Settlement proposed.
5/14/90	Alter Trading Corp. (Council Bluffs)	4	Admin. Order	SW	Tack	Permit issued. District court suit dismissed. Field Office overseeing compliance. Progress reports received.
6/20/90	Des Moines, City of	5	NPDES Permit Cond.	WW	Hansen	EPD met with City to resolve appeal issues. Follow-up with EPD regarding status-3/97. 12/28/99 – F.O. 5 letter to City regarding resolution of permit issues.
7/02/90	Keokuk Savings Bank and Trust; Keokuk Coal Gas Site	6	Site Registry	HW	Murphy	Hearing continued. Status report requested from land quality bureau on 12/1/99.
7/30/90	Key City Coal Gas Site; and Howard Pixler	1	Site Registry	HW	Murphy	Decision appealed (Pixler) Site remediation completed. Status report requested from land quality bureau 12/1/99.
8/01/90	J.I. Case Company	6	Site Registry	HW	Preziosi	Hearing continued indefinitely pending cleanup of neighboring site. Checked status 6/9/99. No change.
9/25/91	Archer Daniels Midland	6	Admin. Order	SW	Tack	DNR engineers reviewing documents. Closure permit application due 8/1/99. Revised closure permit application submitted 9/15/99.
1/17/92	Hickory Hollow Water Co.	5	Admin. Order/Penalty	WS	Hansen	9/30/96 Request for waiver of penalty denied. Facility attorney to submit new proposal. Dept. to offer settlement proposal. 1/6/00 – Dept. settlement offer to WS waiving penalty. WS owner to serve on Dept. WS advisory committee representing small WS systems. 1/18/00 – WS attorney letter accepting settlement offer. Closed.
5/12/92	Paris & Sons, Inc.	1	Site Registry	HC	Wornson	Negotiating within bankruptcy proceeding.
11/16/92	Frank Hulshizer	1	Admin. Order/Penalty	SW	Tack	Settled. Abatement agreement signed 9/21/99. Penalty to be forgiven upon completion of clean-up.
4/05/93	Mapleton, City of	4	WW Operator Certification	WW	Hansen	Under review by EPD. Appeal discussion with EPD staff. To be set for hearing.
4/12/93	LeMars, City of	3	Admin. Order/Penalty	WW	Hansen	Construction permit issued. Schedule submitted by City for remaining construction found unacceptable. Request for acceptable schedule - 1/31/96. Schedule received; under review by WW Permits. Dept. letter regarding resolution of appeal.
7/09/93	Oakwood Park Water, Inc.	5	Admin. Order/Penalty	WS	Hansen	9/30/96 Request for waiver of penalty denied. Facility attorney to submit new proposal. Dept. to offer settlement proposal. 1/6/00 – Dept. settlement offer to WS waiving penalty. WS owner to serve on Dept. WS advisory committee representing small WS systems. 1/18/00 – WS attorney letter accepting settlement offer. Closed.

# Environmental Protection Commission Minutes

February 2000

7/20/93	Valley Restaurant/Sierp Oil; Mary & Carl Sierp; and Robert Radford (7LTY50)	4	Admin. Order	UT	Wornson	Tier 2 submitted. Rejected. Revised Tier 2 submitted 8/3/99, rejected. Revised Tier submitted 12/15/99.
3/03/94	Burlington Northern Railroad		Tax Certification	WW	Hansen	3/96 - Letter to company regarding appeal. Response requested by 4/30/96. 5/96 - Follow-up letter sent. Response requested by 6/28/96. Follow-up letter sent. Response from company that appeal is being reviewed. Dept. letter to facility regarding closing appeal.
7/12/94	Tom Wiseman (8LTP62)	2	Admin. Order/Penalty	UT	Wornson	Compliance initiated 5/25/99; due 12/31/99.
8/12/94	Karl and Thelma Boylan d/b/a Boylan's Service (8LT088)	4	Admin. Order/Penalty	UT	Wornson	Placed on state lead. Dismissed without prejudice.
8/29/94	B and B Tire and Oil	4	Admin. Order/Penalty	UT	Wornson	Tier 2 submitted. High risk. CADR due 12/31/99. Penalty to be settled.
9/09/94	American Coals Corp., Site 5 (Bussey)	5	Admin. Order/Penalty	SW/AQ	Tack	Consent order sent to parties. Awaiting Dept. of Agriculture resolution.
9/16/94	Wunschel Oil Co.; Vernus Wunschel; Jacquelyn Wunschel; Mark Wunschel (Ida Grove)	3	Admin. Order/Penalty	UT	Wornson	Consent order. SCR received. Revisions to SCR required - overdue. Follow-up letter sent 2/26/96. UST Fund conducting further assessment and free product removal..
9/26/94	James D. Foust	5	Admin. Order/Penalty	SW	Tack	Hearing continued by ALJ because of bankruptcy.
10/07/94	Titan Wheel International	6	Admin. Order/Penalty	WW	Hansen	Revised BMR report submitted/reviewed by WW Permits. Letter to facility regarding report. To be set for hearing.
1/13/95	Simonsen Industries, Inc.	5	Admin. Order/Penalty	WW	Hansen	2/28/95 - Submittal by facility's engineer regarding land application of sludge. Under review by WW permits staff. Update requested from WW staff. 2/1/00 - Report on compliance requested from FO and WW staff. 2/2/00 - Permit to be issued to facility.
2/23/95	Lehigh Portland Cement	2	Permit Conditions	WW	Hansen	Informal settlement meeting held on 6/96. Facility to provide status report regarding TSS permit limit by 9/20/96. 12/28/99 Dept. letter to facility attorney regarding setting appeal for hearing and also resolution of the appeal. 1/24/00 - Letter from WW attorney concerning settlement. Additional time requested to resolve issues raised by appeal.
3/23/95	American Coals Corp.	5	Admin. Order	SW	Tack	Awaiting consent order approval. Awaiting Dept. of Agriculture resolution.
4/13/95	The Weitz Corp.; Barton Solvents, Inc.	5	Admin. Order	HC	Tack	Remediation plan received 5/27/96.
5/25/95	Fremont County SLF	4	Admin. Order/Penalty	SW	Tack	Settlement offer made 12/16/99.
6/20/95	Toledo, City of	5	Permit Conditions	WW	Hansen	WW permits to negotiate settlement. Status of negotiations requested 1/9/96. Dept. letter to facility's engineer regarding resolving appeal. 1/3/00 - Revised WLA and permit limits sent to facility. 1/26/00 - Dept. letter to WW engineer regarding construction schedule to meet revised permit limits.
6/23/95	Leonard C. Page	4	Admin. Order/Penalty	SW	Tack	Settlement offer pending.
7/03/95	Donald J. Foreman d/b/a D & R Feedlots	3	Admin. Order/Penalty	WW	Hansen	2/1/00 - Report on compliance requested from FO.
7/05/95	Boyer Valley Co.	4	Admin. Order/Penalty	WW	Hansen	Informal meeting held for 6/7/96. Response from facility due 6/28/96. Response received from facility 7/96.
7/10/95	Donald Krieger	3	Admin. Order/Penalty	UT	Wornson	Tanks removed. Dismissed without prejudice.
7/10/95	Gilbert Persinger/Smithland Store	3	Admin. Order/Penalty	UT	Wornson	SCR received - rejected. Review progress. Proposed for state lead.
8/01/95	Wilbur McNear d/b/a McNear Oil Co./Charter Oak	4	Admin. Order/Penalty	UT	Wornson	SCR received/rejected. Referral for state lead. Resolve penalty.
9/20/95	FKI Industries, Inc.; Fairfield Aluminum, Inc.	6	Admin. Order	WW/HC	Murphy	Negotiating before filing. Attorneys contacted 2/99.
10/17/95	Weber Construction, Inc.	1	Admin. Order/Penalty	AQ	Preziosi	Hearing held 4/25/97. Decision received in DNR's favor. Penalty reduced. Decision appealed to EPC 6/6/97. Briefs due to EPC 9/4/97. ALJ decision upheld. Petition for review 11/19/98. Appealed to District Court. District Court affirmed final agency action. Awaiting appeal period..
11/03/95	Jack Pinney Operations, Inc. aka Jack Pinney Grading	3	Admin. Order/Penalty	AQ	Preziosi	Settled. Awaiting penalty payment.
12/12/95	Vernon Kinsinger; K & K Sanitation	6	Admin. Order/Penalty	AQ/SW	Tack	Clean-up progressing. Working with F.O. #6. Receiving penalty payments.
1/12/96	Clarence, City of	6	Admin. Order/Penalty	WW	Hansen	1/96 - Facility inspected by FO 6. 9/96 letter from facility attorney stating construction completed. 2/1/00 - Status report on compliance requested from FO 6. 2/2/00 - Dept. to send settlement offer to City. City has returned to compliance.
1/25/96	Hidden Valley Mobile Home Park	6	Admin. Order/Penalty	WW	Clark	Negotiating before filing.
3/11/96	Dallas County Care Facility	5	Admin. Order/Penalty	WW	Hansen	Facility inspected by FO. Now in compliance.
3/14/96	Laurel, City of	5	Admin. Order	WW	Hansen	Information submitted by city under review by WQ section..
3/14/96	Lamoni, City of	5	Admin. Order	WW	Hansen	12/20/99 Dept. letter with new waste load allocation and ammonia nitrogen limits for treatment facility. 1/26/00 - Letter to facility engineer regarding whether construction schedule needed due to new WLA and new effluent limit and setting appeal for hearing.
3/22/96	Mt. Joy Mobile Home Park	6	Admin. Order/Penalty	WW	Hansen	3/25/96 Inspection by FO 6. Facility in compliance. 2/1/00 Status report on compliance requested of FO 6. 2/2/00 - Facility has returned to compliance. Dept. to send settlement offer.
3/26/96	Louisa-Muscatine Community School	6	Admin. Order/Penalty	WS	Hansen	12/28/99 WS in compliance. Dept. to send settlement offer regarding penalty. 1/4/00 - Settlement offer to WS. 1/10/00 - WS counter offer to Dept. 1/12/00 - Dept. letter accepting offer.

						1/25/00 – Penalty paid. Closed.
5/07/96	Lakeview Mobile Home Park	5	Admin. Order/Penalty	WW	Hansen	6/20/96 - informal meeting held. Facility to provide settlement offer by 7/15/96. Settlement offer received from facility - under review.
5/14/96	Gary Lee Walker	4	Admin. Order/Penalty	AQ/SW	Tack	Negotiating before filing.
5/16/96	Grand Laboratories, Inc.	3	Permit Denial	WW	Hansen	Information received and reviewed by EPD. Settlement offer and revised permit sent to facility 7/97. Response received 8/97. Under review by EPD. Facility to provide further response and settlement offer to DNR by 3/15/98. 3/13/98 Dept. received proposal from facility engineer. 3/20/98 Dept. review of proposal completed. 8/98 – Letter to Grand Labs rejecting their proposal. 9/25/98 letter from Grand Labs regarding settlement. Grand Labs to submit new settlement 3/99. 5/99 Grand Labs submitted settlement proposal; under review by WW and WQ staff
5/29/96	Haasco, Ltd.	1	<b>Admin. Order/Penalty</b>	AQ	Preziosi	Consent order signed 1/24/00. Penalty rescinded. Closed.
6/07/96	Clow Valve Company	5	Permit Conditions	AQ	Preziosi	Negotiating before filing. Settlement meeting set for 11/17/99. Hearing set for 12/14/99.
6/10/96	DeCoster Farms of Iowa (19 sites)	2	Admin. Order	AFO	Clark	Proposed decision 11/25/96. Appealed to EPC 12/27/96.
6/10/96	DeCoster Farms of Iowa (5 sites)	2	Permit Denial	WR	Clark	Proposed decision 11/25/96. Appealed to EPC 12/27/96.
8/01/96	DeCoster Farms of Iowa (Nursery Unit 7 - Wright Co.)	2	Permit Denial	AFO	Clark	Proposed decision 11/25/96. 12/27/96 - Appealed to EPC.
8/01/96	DeCoster Farms of Iowa (Boomsma Egg Site #1)	2	Admin. Order/Penalty	AFO	Clark	Hearing continued - date to be set.
8/09/96	Gene and Margaret Palmersheim d/b/a G & M Service Mart 8LT593	1	Admin. Order/Penalty	UT	Wornson	Tier 2 received. Negotiating penalty. Placed on State lead.
9/24/96	North Star Steel Iowa		Permit Denial	AQ	Preziosi	Negotiating before filing.
10/11/96	DeCoster Farms of Iowa (96-WW-32).	2	Admin. Order	AFO	Clark	Hearing continued indefinitely.
10/17/96	DeCoster Farms of Iowa (Nursery Unit 3 - Wright Co.)	2	Permit Revocation	AFO	Clark	Hearing continued indefinitely.
10/28/96	Fischer Controls International		Permit Conditions	WW	Hansen	Negotiating before filing.
12/02/96	Organic Technologies Corp.	5	Permit Denial	SW	Murphy	Proposed decision received 8/1/97; appealed. Affirmed by EPC 11/17/97. Petition for judicial review 12/18/97. Affirmed 6/12/98. Appeal to Supreme Court. Briefs filed 2/99.
12/05/96	Organic Technologies Corp. -----91-SDP-02-94P	5	Admin. Order/Penalty Intended Permit Revoc.	SW	Murphy	Proposed decision received 8/1/97; appealed. Affirmed by EPC 11/17/97. Petition for judicial review 12/18/97. Affirmed 6/12/98. Appeal to Supreme Court. Briefs filed 2/99.
2/19/97	Cliff's Place, Inc.	1	Admin. Order/Penalty	WS	Hansen	Compliance initiated.
3/20/97	Sylvan Acres	1	Admin. Order/Penalty	WS	Hansen	Compliance initiated.
7/22/97	CIPCO		Construction Permit Conditions	AQ	Preziosi	Negotiating before filing.
7/22/97	Robert P. Frees; Elizabeth R. Mathes	6	Admin. Order/Penalty	SW	Tack	Settlement reached. Cleanup underway.
7/30/97	Country Pumpkin	4	Admin. Order/Penalty	WS	Hansen	Returned to compliance for nitrate and bacteria sampling. 12/23/99 – Letter to WS attorney regarding resolution of appeal. Hearing set for 3/28/00.
8/01/97	Dodger Enterprises Co., Tire Chop Division; Donald Grell	2	Admin. Order	SW	<b>Murphy</b>	Proposed decision 6/26/98. Appeal to EPC. Affirmed 9/21/98. Appealed to District Court. Affirmed 11/8/99.
8/05/97	Biovance Technologies	5	Admin. Order/Penalty	AQ	Preziosi	Negotiating before filing.
8/08/97	Iowa Waste Systems, Inc.; <del>Fayette Co. Solid Waste Mgmt. Comm.</del>	1	Admin. Order/Penalty	SW	Tack	Settlement reached with Fayette County. Hearing for Iowa Waste Systems set for 3/9/00. Amended order appealed 10/29/99.
8/18/97	Stellar Industries Inc.	2	Admin. Order/Penalty	AQ	Preziosi	Settled. Awaiting penalty payment.
9/17/97	Keokuk Steel Castings	6	Admin. Order/Penalty	AQ	Preziosi	Negotiating before filing.
9/25/97	Iowa Mold Tooling Co., Inc.	2	Admin. Order/Penalty	AQ	Preziosi	Settlement close.
10/6/97	North Central Cooperative	2	<b>Admin. Order/Penalty</b>	HC/WW	Murphy	Order and penalty rescinded. Closed.
12/02/97	Dows, City of	2	Admin. Order	WW	Hansen	F.O. 2 inspection 3/98. To be set for hearing. 4/99 - Letter received from City engineer regarding stream study. 7/28/99 – City Engr. Requests new WLA. 8/9/99 – Dept. sent new WLA and resultant permit limits to engr. 12/9/99 City provided stream study.
12/12/97	Donald E. Grell; Dodger Enterprises, Tire Chop Division	2	Notice of Intent to Revoke Solid Waste Permit; Denial of Application for New Waste Tire Mgmt. Permit	SW	<b>Murphy</b>	Proposed decision 6/26/98. Appeal to EPC. Affirmed 9/21/98. Appealed to District Court. Affirmed 11/8/99.
1/13/98	DeCoster Farms of Iowa (Nursery #8) (Wright Co.)	2	Admin. Order/Penalty	AFO	Clark	Negotiating before filing.
1/16/98	Pilgrim Heights Camp		NPDES Permit Conditions	WW	Hansen	Negotiating before filing.
1/23/98	Sac City	3	Admin. Order/Penalty	WW	Hansen	Status report received from city's consultant. 2/1/00 – Status report on WW compliance requested from FO 3.
1/30/98	Rockwell City	3	Admin. Order/Penalty	WW	Hansen	Meeting on 4/22/98 with city's engineer regarding facility plan. Hearing set for 3/29/00.
3/06/98	Enviro Safe Air, Inc. (98-AQ-05)	4	Admin.	AQ	Brabec	Tentative consent amendment drafted – waiting for return of

## Environmental Protection Commission Minutes

February 2000

			Order/Penalty			signed amendment
3/16/98	Pathway Christian School	6	Admin. Order/Penalty	WS	Hansen	Negotiating before filing.
4/03/98	Pictured Rocks Methodist Camp	^	Admin. Order/Penalty	WS	Hansen	Facility agreed to install chlorination. FO 2 inspection on 6/29/98.
4/03/98	Cooperative Oil Company; Mickey Berg	2	Admin. Order	UT/WW	Wornson	Compliance complete. Review and close. Monitoring required Spring 2000.
4/23/98	North Liberty, City of	6	Admin. Order	WW	Hansen	1/27/00 – Letter to facility concerning setting appeal for hearing.
4/27/98	Weise Corporation	5	Admin. Order/Penalty	AQ	Preziosi	Negotiating before filing.
5/04/98	Ben Haven Mobile Home Court	1	Admin. Order/Penalty	WS	Hansen	Chlorination system installed by WS. 12/28/99 – WS in compliance. Dept. to send settlement offer regarding penalty. 1/25/00 Payment plan established. Settled.
7/01/98	Ag Processing, Inc.	4	Permit Conditions	AQ	Preziosi	Negotiations continue.
7/27/98	Mitchell Dam Bar		Permit Conditions	WS	Hansen	1/27/00 – Letter to WS concerning setting appeal for hearing.
7/29/98	Eagle Lane Corporation	6	Admin. Order/Penalty	WS	Hansen	2/2/00 – Compliance status requested from FO and WS. Facility has returned to compliance.
7/29/98	Archer Daniels Midland 98-A-507P thru 98-A-515P	6	Permit Provisions	AQ	Preziosi	Settlement close.
8/18/98	University of Iowa	6	Permit Conditions	WW	Hansen	Settlement offer sent 10/98. Follow-up letter sent 3/22/99. U of I to submit response to Dept. settlement offer by 5/28/99. Information submitted by U of I. Wastewater staff revised permit in response to information received.
9/29/98	Randy Foth d/b/a Foth Lumber Co.	2	Admin. Order/Penalty	AQ	Kaizer	Settled. Partial penalty payment received.
10/03/98	Ag Processing, Inc. (Emmetsburg)	4	Permit Exemption Denial	AQ	Preziosi	Settlement close.
10/06/98	M & W Pallett Co.	6	Admin. Order	SW	Tack	Clean-up continuing.
10/08/98	West Liberty, City of	6	Admin. Order/Penalty	WW	Hansen	Informal procedures requested. 2/1/00 – Status report requested of FO 6.
10/09/98	Elm's Corporation of Linn County (8LTX55)	1	Admin. Order/Penalty	UT	Wornson	Compliance initiated. Tanks removed. Tier 2 overdue. Tier 1 submitted 10/14/99. Awaiting review.
10/13/98	The Legacy Group, L.C.; Easter Lakes Estate Site	5	Admin. Order/Penalty	WW	Murphy	Settlement meeting 12/8/99.
11/06/98	Barr Farm Venture and Mel Foster Co. Properties	6	Admin. Order/Penalty	WW	Murphy	Settlement offer 12/24/99.
11/19/98	Jacobs Energy Corporation		Permit Denial	AQ	Preziosi	Negotiating before filing.
11/30/98	Robert Diehl	5	Admin. Order/Penalty	WW/WS	Murphy	Construction permit application received.
12/01/98	Underwood Motel	4	Admin. Order/Penalty	WS	Hansen	Sanitary survey completed by F.O. 4. Public notice posted. 12/29/99 WS to connect to regional water by Spring 2000.
12/16/98	Richard Swailes		Permit Denial	FP	Clark	Negotiating before filing.
12/24/98	Keokuk Steel Castings Co., Inc.	6	Admin. Order/Penalty	AQ	Preziosi	Negotiating before filing.
1/04/99	Duane Hanson d/b/a Cedar Valley Tire Recycling	1	Admin. Order/Penalty	SW	Tack	Hearing set for 2/28/00.
1/13/99	Bernadette Ryan	1	Admin. Order/Penalty	AFO	Clark	Negotiating before filing.
1/20/99	Lonnie King	5	Admin. Order/Penalty	AQ/SW	Tack	Negotiating before filing.
1/29/99	Wareco Services, Inc.	6	Admin. Order/Penalty	UT	Wornson	Penalty payment received 1/26/00. Settled.
2/05/99	West Union Cooperative Co.	1	Admin. Order/Penalty	WW	Murphy	Settlement proposed 9/99.
2/10/99	Bawden Printing		Permit Conditions	AQ	Preziosi	Negotiating before filing.
2/23/99	Dennis Sharkey, Sr.	1	Admin. Order/Penalty	AQ/SW	Tack	Proposed decision 1/7/00. \$2,250 penalty imposed.
3/01/99	Williamsburg Manufacturing	6	Admin. Order/Penalty	AQ	Preziosi	Negotiating before filing.
3/04/99	Dayton, City of	2	Admin. Order/Penalty	WW	Murphy	Engineering report submitted 5/99; 8/99 – under review.
3/04/99	Paris & Sons; Thomas Paris	1	Admin. Order/Penalty	WW/HC	Wornson	Settlement reached. Penalty paid. Closed.
3/08/99	Peter Bockenstedt	1	Admin. Order/Penalty	AFO	Clark	Negotiating before filing.
3/08/99	Augustus & Betty Lartius d/b/a Country Terrace Mobile Home Court	5	Admin. Order/Penalty	WS	Hansen	Hearing set for 6/23/99. 5/99 WS filed motion for continuance. Dept. filed resistance to continuance motion. Hearing set for 7/19-21/99, cancelled. Default judgment entered against facility owners. Motion to set aside default granted by ALJ. Hearing set for 10/18/ & 19/99. Settled. Administrative consent order with penalty agreed upon.
3/08/99	Augustus & Betty Lartius d/b/a Country Terrace Mobile Home Court	5	Admin. Order/Penalty	WW	Hansen	Hearing set for 6/23/99. 5/99 WS filed motion for continuance. Dept. filed resistance to continuance motion. Hearing set for 7/19-21/99, cancelled. Default judgment entered against facility owners. Motion to set aside default granted by ALJ. Hearing set for 10/18 & 19/99. Settled. Administrative consent order with penalty and compliance schedule agreed upon.
3/16/99	Des Moines Independent School District – North High School	5	Site Registry	HC	Tack	Settlement letter sent by solid waste section 12/20/99.
3/18/99	Ag Processing, Inc. (Sergeant Bluff)		Title V Operation Permit Conditions	AQ	Preziosi	Hearing continued. Second settlement meeting set for t8/18/99.
3/23/99	Matthew M. Daly	1	Admin. Order/Penalty	AFO	Clark	Negotiating before filing.
3/23/99	Daniel J. Gotto	1	Admin. Order/Penalty	AFO	Clark	Negotiating before filing.
3/31/99	Woolstock, City of	2	Admin.	WW	Hansen	Compliance initiated by City. To be set for hearing regarding

			Order/Penalty			penalty. 1/28/00 – Compliance status report received from FO 2.
4/08/99	Fayette County Sanitary Landfill Iowa Waste Systems	1	Admin. Order/Penalty	SW	Tack	Settlement reached with Fayette Co. Hearing set for 3/9/00 for Iowa Waste Systems.
4/09/99	Ivan Stoltzfus	5	Admin. Order/Penalty	WW	Tack	Hearing set for 2/25/00.
4/15/99	Robert Simon	1	Admin. Order/Penalty	AQ/SW	Tack	Settled. Paying penalty on payment plan.
4/15/99	Shine Bros. Corp.		SWA Denial	SW	Tack	Settlement offer pending.
4/15/99	Shenandoah, City of	4	Admin. Order/Penalty	WW	Murphy	Settled. Awaiting penalty payment.
4/16/99	Cargill (Sioux City)	3	Title V Operation Permit Conditions	AQ	Preziosi	Negotiating before filing.
4/26/99	Gerald and Judith Vens	6	Admin. Order/Penalty	FP	Clark	Negotiating before filing.
4/28/99	Mid-County Water, Inc.	1	Admin. Order/Penalty	WS	Hansen	WS informed Dept. sampling will be done as required during appropriate sampling period (June 1999). 10/15/99 – WS collected nitrate sample. WS returned to compliance with lead, copper and nitrate monitoring and has completed public notice. 12/30/99 – Dept. letter regarding settlement offer. 1/18/00 – Letter from WS accepting settlement offer and paying penalty. Closed.
4/30/99	Anthony's Resort	1	Admin. Order/Penalty	WS	Hansen	WS hired engineer to do engineering report with recommendations for correcting WS deficiencies. Chlorination installed at WS. 1/28/00 – Dept. letter concerning compliance status and setting appeal for hearing.
5/06/99	Hargrave McEleney, Inc.	6	Admin. Order/Penalty	WS	Hansen	Amended order to be issued. 2/2/00 – Dept. to contact WS concerning lead and copper sampling.
5/18/99	Horsley Specialties, Inc.	5	Admin. Order/Penalty	AQ	Brabec	Consent order signed 1/24/00. Penalty paid. Settled.
5/18/99	Snap-On-Tools Co.	2	Admin. Order/Penalty	AQ	Preziosi	Negotiating before filing.
5/27/99	CGB Printing aka Rock Communications	5	Admin. Order/Penalty	AQ	Preziosi	Settlement meeting held 1/31/00. Negotiations continue.
5/28/99	Flying J Inc.	5	Admin. Order/Penalty	WW/UT	Murphy	Settlement proposed by Dept. 12/10/99.
6/28/99	Big Rock Country Club	1	Admin. Order/Penalty	WS	Tack	Penalty paid 1/27/00. Settled.
6/28/99	Wilcox All-Pro Tools & Supply	5	Admin. Order/Penalty	WW	Tack	Settled. Awaiting penalty payment.
6/28/99	Farmland Industries, Inc. (Eagle Grove)	2	Construction Permit Conditions	AQ	Preziosi	Settlement close.
7/13/99	Aaron Tolander	6	Admin. Order/Penalty	AFO	Clark	Negotiating before filing.
7/16/99	Fairfield, City of	6	Admin. Order/Penalty	AQ/SW	Tack	Settlement offer made 12/16/99.
7/19/99	Celotex Corp. (Ft. Dodge)	2	Permit Conditions	AQ	Preziosi	Negotiating before filing.
7/16/99	Glidden, City of	4	Admin. Order/Penalty	AQ	Breback	Tentative consent amendment drafted – waiting for return of signed amendment
7/27/99	Affordable Asbestos Removal; Jeffery Intlekofer	6	Admin. Order/Penalty	AQ	Brabec	Hearing set for 2/28/00.
8/04/99	Ashley Inn Motel and Trailer Court	2	Admin. Order/Penalty	WS	Hansen	F.O. 2 inspection on 7/21/99. Letter received 9/27/99 regarding compliance with AO. 11/99 – Lead and copper sample taken, facility returned to compliance. 12/30/99 – Dept. letter regarding settlement offer. Penalty received 1/26/00. Settled.
8/06/99	GKN Armstrong Wheels, Inc.	3	Admin. Order/Penalty	AQ	Preziosi	Settled. Awaiting penalty payment.
8/10/99	Muscatine County Sanitary Landfill	6	Admin. Order/Penalty	SW	Tack	Negotiating before filing.
8/11/99	Beatrice Group, Inc.	1	Admin. Order/Penalty	AQ	Preziosi	Negotiating before filing.
8/13/99	Farmland Foods, Inc. (Dubuque)	1	Construction Permit Conditions	AQ	Preziosi	Settlement close.
8/19/99	Case Corporation	6	Admin. Order/Penalty	AQ	Preziosi	Settled. Awaiting penalty payment.
8/25/99	National By-Products, Inc.	6	Admin. Order/Penalty	AQ	Preziosi	Negotiating before filing.
9/07/99	Shine Bros. Corp.	3	Admin. Order/Penalty	AQ	Preziosi	Negotiating before filing.
9/08/99	Linwood Mining & Minerals	6	Permit Conditions	AQ	Preziosi	Negotiating before filing.
9/08/99	Fibre Body	2	Permit Denial	AQ	Preziosi	Negotiating before filing.
9/09/99	Winneshek County Memorial Hospital	1	Admin. Order/Penalty	AQ	Preziosi	Settled. Awaiting penalty payment.
9/10/99	Linwood Mining & Minerals	6	Permit Denial	AQ	Preziosi	Negotiating before filing.
9/13/99	Eugene P. Reed	6	Admin. Order/Penalty	AFO	Clark	Negotiating before filing.
9/13/99	CIPCO	1	NPDES Permit Conditions	WW	Hansen	12/29/99 – Appeal reviewed by wastewater permit writer.
9/13/99	Dave & Theresa Cook d/b/a Curry Environmental Services	6	Admin. Order/Penalty	AQ	Brabec	Negotiating before filing.
9/13/99	Stellar Industries, Inc.	2	Admin. Order/Penalty	AQ	Preziosi	Settled. Penalty received 1/14/00. Closed.
9/21/99	Julie Rowe d/b/a Jewel's Food & Spirits	1	Admin. Order/Penalty	WS	Murphy	12/99 – FO and WS tracking compliance.
9/21/99	Farmland Foods, Inc. (Denison))	1	Construction Permit Conditions	AQ	Preziosi	Settlement close.
9/24/99	Lorene Logue; Willy Holmes; Todd Holmes	5	Admin. Order/Penalty	AQ	Tack	Negotiating before filing.



## Environmental Protection Commission Minutes

February 2000

9/29/99	McGregor, City of	1	Admin. Order/Penalty	WS	Murphy	12/99 - FO is monitoring construction progress.
9/29/99	Armstrong, City of	3	Admin. Order/Penalty	WS	Hansen	City has agreed to take action required by order for installation of treatment. 10/14/99 - City completed lead education program. 10/13/99 - Dept. issued construction permit. 12/28/99 - Call from City - construction nearly complete. 1/25/00 - WS returned to compliance. Dept. settlement offer sent to City.
9/30/99	Rollin McAdams d/b/a McAdams Demolition Co. (Davenport)	1	Admin. Order/Penalty	AQ	Preziosi	Settled. Awaiting penalty payment.
10/11/99	Kenny Habben	2	Admin. Order/Penalty	AQ	Tack	Negotiating before filing.
10/12/99	Fernald Water System	5	Admin. Order/Penalty	WS	Clark	Negotiating before filing.
10/12/99	Brown Bottle Restaurant	1	Admin. Order/Penalty	WS	Hansen	WS submitted preliminary engineering report regarding nitrate reduction. WS to install an ion exchange unit. Still need to submit construction permit applications and a schedule. Report dated 10/29/99 submitted to Dept. Review completed by Dept. WS engineer. Facility engineer to submit construction permit application and schedule. 1/3 and 1/26/00 - Dept. requested iron and sulfate test. When test results are received Dept. will set due date for submittal of P & S.
10/14/99	Crawfordsville, City of	6	Admin. Order/Penalty	WS	Murphy	Settlement offer 12/13/99.
10/15/99	Sac County Golf & Country Club	3	Admin. Order/Penalty	WS	Tack	Negotiating before filing.
10/19/99	Tara Hills Country Club	1	Admin. Order/Penalty	WS	Murphy	12/99 - Facility closed for the season. Chlorination facilities approved. Will check status in Spring 2000.
10/19/99	Dean Larsen (Martin Marietta)		Water Use Permit	WR	Clark	Hearing set for 4/6/00.
10/22/99	Barilla America, Inc.	5	Admin. Order/Penalty	AQ	Preziosi	Settled. Awaiting penalty payment.
10/22/99	Robert Fisher	2	Admin. Order/Penalty	AFO	Clark	Negotiating before filing.
10/22/99	Greenwood Hills Estates, L.C. and GK Properties, Inc.	5	Admin. Order/Penalty	WW	Murphy	Negotiating before filing. Site inspected for compliance 12/10/99.
11/03/99	Cargill, Incorporated (Cedar Rapids)	1	Permit Conditions	AQ	Preziosi	Negotiating before filing.
11/04/99	GKN Armstrong Wheels d/b/a Armstrong Rim & Tire	3	Admin. Order/Penalty	AQ	Preziosi	Settled. Awaiting penalty payment.
11/10/99	Michael L. Roberts	4	Admin. Order/Penalty	AQ	Tack	Negotiating before filing.
11/12/99	Osceola, City of	5	Admin. Order/Penalty	WW	Hansen	Negotiating before filing.
11/12/99	Logan, City of	4	Admin. Order	WW	Hansen	City requested new schedule because of additional time needed for condemnation proceedings due to change in statute. 1/4/00 - FO 5 letter to City requesting complete plan of action by 5/15/00.
11/12/99	Cargill, Incorporated (Iowa Falls)	2	Title V Operation Permit Conditions	AQ	Preziosi	Negotiating before filing.
11/15/99	Industrial Energy Applications	1	Permit Denial	AQ	Preziosi	Negotiating before filing.
11/15/99	Rocky Knoll Mobile Home Park	2	Admin. Order/Penalty	WS	Tack	Negotiating before filing.
11/19/99	Climax Molybdenum Co.	6	Permit Denial	AQ	Preziosi	Negotiating before filing.
12/01/99	Iowa Select Farms, L.P./AG Waste Consultants, Inc.	2	Admin. Order/Penalty	AFO	Clark	Negotiating before filing.
12/08/99	Cargill, Incorporated (Sioux City)	3	Permit Conditions	AQ	Preziosi	Negotiating before filing.
12/08/99	Oakview Construction	5	Admin. Order/Penalty	AQ/SW	Tack	Negotiating before filing.
12/10/99	Leonard Rayhons; Randy Schleusner	2	Admin. Order/Penalty	AFO	Clark	Negotiating before filing.
12/13/99	Omaha Cold Storage Terminals	2	Admin. Order/Penalty	WW	Murphy	Negotiating before filing. Letter sent 12/23/99.
12/13/99	Hog Slat	2	Admin. Order/Penalty	AQ	Brabec	Negotiations in progress. Working on a SEP.
12/17/99	Sabre, Inc.	3	Admin. Order/Penalty	HC	Murphy	Settled. Penalty paid. Closed.
12/17/99	Edward Degeus	2	Admin. Order/Penalty	AQ	Brabec	Beginning negotiations.
12/22/99	Dr. Michael Miller d/b/a Eastridge Animal Center	5	Admin. Order/Penalty	AQ	Preziosi	Negotiating before filing.
1/04/00	Aaron Berry	4	Admin. Order/Penalty	AQ/SW	Tack	New case.
1/06/00	Wendall Abkes	2	Admin. Order/Penalty	AQ/SW	Tack	New case.
1/07/00	Ft. Dodge, City of	2	Admin. Order/Penalty	WS	Murphy	New case.
1/10/00	Yohn Ready-Mix	2	Admin. Order/Penalty	AQ/SW	Tack	New case.
1/11/00	Gene Christiansen d/b/a Christiansen Construction Co.	4	Admin. Order/Penalty	AQ	Brabec	<b>Beginning negotiations</b>
1/11/00	Farmland Industries	2	Permit Denial	AQ	Preziosi	New case.
1/13/00	Mark Shipman	2	Admin. Order/Penalty	AFO	Murphy	New case.
1/13/00	Pine Creek Golf Course	2	Admin. Order/Penalty	WS	Hansen	New case.
1/18/00	Four Oaks Farm & Stables	1	Tax Certification Denial	SW	Tack	New case.
1/20/00	New Virginia Sanitary Sewer District	5	Admin. Order	WW	Murphy	New case.

1/20/00	Solar Transport Co.	2	Admin. Order/Penalty	UT	Wornson	New case.
1/21/00	Dave Thompson	2	Admin. Order/Penalty	SW	Tack	New case.
1/25/00	Bonaparte, City of	6	Admin. Order/Penalty	AQ/SW	Tack	Cleanup to be completed by 7/1/00. Penalty to be negotiated upon completion.
1/25/00	Tire Environmental Services, Inc.	1	Permit Conditions	SW	Tack	New case.

Mr. Valde presented details of the various routine reports.

Brief discussion followed regarding enforcement actions on the University of Iowa and Minsa, and denial of a variance for LaFarge Corp.

<b>INFORMATIONAL ONLY</b>
---------------------------

### **FINAL RULE—CHAPTER 23, ADOPTION BY REFERENCE OF NESHAPS**

Mike Valde, Division Administrator, Environmental Protection Division, presented the following item.

The Commission will be asked to approve the proposed amendments to Chapter 23, “Emission Standards for Contaminants”, 567 Iowa Administrative Code.

The purpose of this rulemaking is to adopt by reference 13 national emission standards for hazardous air pollutants (NESHAPs) that were promulgated by EPA for the following source categories: Portland cement manufacturing, phosphoric acid manufacturing, phosphate fertilizer production, wool fiberglass manufacturing, generic maximum achievable control technology, oil and gas production, natural gas transmission and storage, pesticide active ingredients production, ferroalloys production: ferromanganese and silicomanganese, polyether polyols production, steel pickling—HCL process facilities and hydrochloric acid regeneration plants, mineral wool production, and primary lead smelting.

This rulemaking proposal also includes adoption by reference of 4 new generic emission control standards that will be referenced in future rulemakings. The 4 generic emission control standards relate to: closed vent systems, control devices, recovery devices and routing to a fuel gas system or a process; equipment leaks-control level 1; equipment leaks-control level 2; and storage vessels (tanks) – control level 2.

Adoption of these federal standards by the Department will allow for state implementation of the regulations, make the State’s administrative rules consistent with the federal requirements and will not impose any additional requirements on the regulated industries.

The Notice of Intended Action was published as IAB Vol. XXII No. 12 (12/15/99) p. 960, ARC 9535A. A public hearing was held on January 14, 2000, at the Air Quality Bureau in Urbandale. No changes have been made to the Notice of Intended Action as a result of the public comment period.

**ENVIRONMENTAL PROTECTION COMMISSION [567]  
Adopted and Filed**

Pursuant to the authority of Iowa Code section 455B.133, the Environmental Protection Commission hereby amends Chapter 23, "Emission Standards for Contaminants," Iowa Administrative Code.

The Notice of Intended Action was published as IAB Vol. XXII No. 12 (12/15/99) p. 960, ARC 9535A. A public hearing was held on January 14, 2000, at the Air Quality Bureau in Urbandale. No changes were made to the Notice of Intended Action as a result of the public comment period.

The purpose of this rule making is to adopt by reference 13 national emission standards for hazardous air pollutants (NESHAPs) and four generic national standards for emission control that were promulgated by the Environmental Protection Agency.

This rulemaking updates the reference to 40 CFR Part 63 through June 29, 1999, and amends the list of federal regulations excepted from adoption by reference. Part 63 was amended through this date by the promulgation of 13 national emission standards for hazardous air pollutants and four generic standards for emission control.

This rulemaking adopts by reference new NESHAPs that were promulgated for: Portland cement manufacturing, phosphoric acid manufacturing, phosphate fertilizer production, wool fiberglass manufacturing, generic maximum achievable control technology, oil and gas production, natural gas transmission and storage, pesticide active ingredients production, ferroalloys production: ferromanganese and silicomanganese, polyether polyols production, steel pickling—HCL process facilities and hydrochloric acid regeneration plants, mineral wool production, and primary lead smelting. New generic emission control standards that will be referenced in future rule making are also adopted by reference. The four generic emission control standards relate to: closed vent systems, control devices, recovery devices and routing to a fuel gas system or a process; equipment leaks-control level 1; equipment leaks-control level 2; and storage vessels (tanks) – control level 2.

This amendment may impact small business.

This amendment is intended to implement Iowa Code section 455B.133.

This amendment shall become effective on April 26, 2000.

The following amendment is adopted.

---

Amend subrule 23.1(4), follows:

23.1(4) Emission standards for hazardous air pollutants for source categories. The federal standards for emissions of hazardous air pollutants for source categories, 40 Code of Federal Regulations Part 63 as amended through ~~December 28, 1998~~ June 29, 1999, are adopted by reference, except 40 CFR §§63.6(g) and (h)(9), 63.7(c)(2)(i), 63.7(e)(2)(ii) and (f), 63.8(f), 63.10(f), 63.12, 63.14, 63.15, 63.40(a), 63.42(a), (b), 63.43(c) and (f) to (m), 63.177, 63.560(b) and (e) (2) and (3), and 63.562(c) and (d), 63.772, 63.777, 63.1157, 63.1158, 63.1161(d)(1), 63.1162(a)(2) to (5), 63.1162(b)(1) to (3), 63.1165, 63.1282 and 63.1287 and shall apply to the following affected facilities. The corresponding 40 CFR Part 63 Subpart designation is in parentheses. 40 CFR Part 63 Subpart B incorporates the requirements of Clean Air Act Sections 112(g) and 112(j) and does not adopt standards for a specific affected facility. Test methods (Appendix A), sources defined for early reduction provisions (Appendix B), and determination of the fraction biodegraded (Fbio) in the biological treatment unit (Appendix C) of Part 63 also apply to the affected activities or facilities. For the purposes of this subrule, "hazardous air

pollutant" has the same meaning found in 567--22.100(455B). For the purposes of this subrule, a "major source" means any stationary source or group of stationary sources located within a contiguous area and under common control that emits or has the potential to emit considering controls, in the aggregate, 10 tons per year or more of any hazardous air pollutant or 25 tons per year or more of any combination of hazardous air pollutants, unless a lesser quantity is established, or in the case of radionuclides, where different criteria are employed. For the purposes of this subrule an, "area source" means any stationary source of hazardous air pollutants that is not a major stationary source as defined in this paragraph. Paragraph 23.1(4)"a," general provisions (Subpart A) of Part 63, shall apply to owners or operators who are subject to subsequent subparts of 40 CFR Part 63 (except when otherwise specified in a particular subpart or in a relevant standard) as adopted by reference below.

a. to y. No change.

z. ~~to ab.~~ Reserved.

aa. Emission standards for hazardous air pollutants for phosphoric acid manufacturing. These standards apply to all new and existing major sources of phosphoric acid manufacturing. Affected processes include, but are not limited to, wet process phosphoric acid process lines, superphosphoric acid process lines, phosphate rock dryers, phosphate rock calciners, and purified phosphoric acid process lines. (Subpart AA)

ab. Emission standards for hazardous air pollutants for phosphate fertilizers production. These standards apply to all new and existing major sources of phosphate fertilizer production plants. Affected processes include, but are not limited to, diammonium and monoammonium phosphate process lines, granular triple superphosphate process lines, and granular triple superphosphate storage buildings. (Subpart BB)

ac. to ag. No change.

ah. ~~Reserved~~ Emission standards for hazardous air pollutants for oil and natural gas production. These standards apply to all new and existing major sources of oil and natural gas production. Affected sources include, but are not limited to, processing of liquid or gaseous hydrocarbons, such as ethane, propane, butane, pentane, natural gas, and condensate extracted from field natural gas. (Subpart HH)

ai. to ak. No change.

al. to ~~bf.~~ ar. Reserved.

as. Emission standards for closed vent systems, control devices, recovery devices and routing to a fuel gas system or a process. These provisions apply when another paragraph under this rule references the use of this paragraph for such air emission control. These air emission standards are placed here for administrative convenience and only apply to those owners and operators of facilities subject to the referencing paragraph. The provisions of paragraph 23.1(4) "a," general provisions, (Subpart A), do not apply to this paragraph except as specified in a referencing paragraph. (Subpart SS)

at. Emission standards for equipment leaks-control level 1. These provisions apply to the control of air emissions from equipment leaks for which another paragraph under this rule references the use of this paragraph for such emission control. These air emission standards for equipment leaks are placed here for administrative convenience and only apply to those owners and operators of facilities subject to the referencing paragraph. The provisions of paragraph 23.1(4) "a," general provisions, (Subpart A) do not apply to this paragraph except as specified in a referencing paragraph. (Subpart TT)

au. Emission standards for equipment leaks-control level 2 standards. These provisions apply to the control of air emissions from equipment leaks for which another paragraph under this rule references the use of this paragraph for such air emission control. These air emission standards for equipment leaks are placed here for administrative convenience and only apply to those owners and operators of facilities subject to the referencing paragraph. The provisions of paragraph 23.1(4) " a," general provisions, (Subpart A), do not apply to this paragraph except as specified in a referencing paragraph. (Subpart UU)

av. Reserved.

aw. Emission standards for storage vessels (tanks)-control level 2. These provisions apply to the control of air emissions from storage vessels for which another paragraph under this rule references the use of this paragraph for such air emission control. These air emission standards for storage vessels are placed here for administrative convenience and only apply to those owners and operators of facilities subject to the referencing paragraph. The provisions of paragraph 23.1(4) " a," general provisions, (Subpart A) do not apply to this paragraph except as specified in a referencing paragraph. (Subpart WW)

ax. Reserved.

ay. Emission standards for hazardous air pollutants: generic maximum achievable control technology (Generic MACT). These standards apply to new and existing major sources of acetal resins (AR) production, acrylic and modacrylic fiber (AMF) production, hydrogen fluoride (HF) production and polycarbonate (PC) production. Affected processes include, but are not limited to, producers of homopolymers and copolymers of alternating oxymethylene units, acrylic fiber, modacrylic fiber synthetics composed of acrylonitrile (AN) units, hydrogen fluoride and polycarbonate. (Subpart YY)

az. to bb. Reserved.

bc. Emission standards for hazardous air pollutants for steel pickling-- HCL process facilities and hydrochloric acid regeneration plants. Unless exempted, these standards apply to all new and existing major sources of hydrochloric acid process steel pickling facilities and hydrochloric acid regeneration plants. Affected processes include, but are not limited to, equipment and tanks configured for the pickling process, including the immersion, drain and rinse tanks and hydrochloric acid regeneration plants. (Subpart CCC)

bd. Emission standards for hazardous air pollutants for mineral wool production. These standards apply to all new and existing major sources of mineral wool production. Affected processes include, but are not limited to, cupolas and curing ovens. (Subpart DDD)

be. and bf. Reserved.

b. No change.

bh. ~~Reserved.~~ Emission standards for hazardous air pollutants for natural gas transmission and storage. These standards apply to all new and existing major sources of natural gas transmission and storage. Natural gas transmission and storage facilities are those that transport or store natural gas prior to its entering the pipeline to a local distribution company. Affected sources include, but are not limited to, mains, valves, meters, boosters, regulators, storage vessels, dehydrators, compressors and delivery systems. (Subpart HHH)

bi. and bj. No change

bk. Reserved.

bl. Emission standards for hazardous air pollutants for Portland cement manufacturing operations. These standards apply to all new and existing major and area sources of Portland

cement manufacturing unless exempted. Cement kiln dust (CKD) storage facilities, including CKD piles and landfills, are excluded from this standard. Affected processes include, but are not limited to, all cement kilns and in-line kiln/raw mills, unless they burn hazardous waste. (Subpart LLL)

bm. Emission standards for hazardous air pollutants for pesticide active ingredient production. These standards apply to all new and existing major sources of pesticide active ingredient production that manufacture organic pesticide active ingredients (PAI), including herbicides, insecticides and fungicides. Affected processes include, but are not limited to, processing equipment, connected piping and ducts, associated storage vessels, pumps, compressors, agitators, pressure relief devices, sampling connection systems, open-ended valves or lines, valves and connectors. Exempted sources include research and development facilities, storage vessels already subject to another 40 CFR Part 63 NESHAP, production of ethylene, storm water from segregated sewers, water from fire-fighting and deluge systems (including testing of such systems) and various spills. (Subpart MMM)

bn. Emission standards for hazardous air pollutants for wool fiberglass manufacturing. These standards apply to all new and existing major sources of wool fiberglass manufacturing. Affected processes include, but are not limited to, all glass-melting furnaces, rotary spin (RS) manufacturing lines that produce bonded building insulation, flame attenuation (FA) manufacturing lines producing bonded pipe insulation and new FA manufacturing lines producing bonded heavy-density products. (Subpart NNN)

bo. Reserved.

bp. Emission standards for hazardous air pollutants for polyether polyols production. These standards apply to all new and existing major sources of polyether polyols. Polyether polyols are compounds formed through polymerization of ethylene oxide, propylene oxide or other cyclic ethers with compounds having one or more reactive hydrogens to form polyethers. Affected processes include, but are not limited to, storage vessels, process vents, heat exchange systems, equipment leaks and wastewater operations. (Subpart PPP)

bq. to bs. Reserved.

bt. Emission standards for hazardous air pollutants for primary lead smelting. These standards apply to all new and existing major sources of primary lead smelting. Affected processes include, but are not limited to, sintering machines, blast furnaces, dross furnaces and process fugitive sources. (Subpart TTT)

bu. to bw. Reserved.

bx. Emission standards for hazardous air pollutants for ferroalloys production: ferromanganese and silicomanganese. These standards apply to all new and existing major sources of ferroalloys production of ferromanganese and silicomanganese. Affected processes include, but are not limited to, submerged arc furnaces, metal oxygen refining (MOR) processes, crushing and screening operations, and fugitive dust sources. (Subpart XXX)

---

Date

---

Paul Johnson

Mr. Valde reviewed details of the rule noting that there were no comments received during the public hearing period.

*Motion was made by Rita Venner to approve Final Rule—Chapter 23, Adoption by Reference by NESHAPS. Seconded by James Braun. Motion carried unanimously.*

**APPROVED AS PRESENTED**

**FINAL RULE—CHAPTER 22, REVISE CAP ON ANNUAL TITLE V OPERATING PERMIT FEES**

Mike Valde, Division Administrator, Environmental Protection Division, presented the following item.

The Commission will be asked to approve the proposed amendment to Chapter 22, “Controlling Pollution” 567 Iowa Administrative Code.

By rule, Air Quality Bureau is required every March to provide the Commission a draft budget for the purposes of establishing the Title V Operating Permit fee. Emission estimates reported by industrial facilities are then used at the May Commission meeting to set the fee. The Commission is prohibited by rule from setting the fee higher than \$24 per ton without a formal rulemaking.

The purpose of this rule making is to change the maximum annual Title V Operating Permit fee that the Department can charge from the current fixed dollar amount of \$24 to \$29.

The Commission will continue to be asked annually to approve the Title V fee as justified by the Air Quality Bureau’s projected budget and the reported tonnage of air contaminant emissions. However, the maximum amount of the fee that can be assessed without specific rulemaking will also be annually adjusted.

This rule revision is necessary because the air quality program will utilize all of the carry-forward funds from past years during fiscal year 2000. Although the air program budget remains essentially unchanged for 2001, the transfer of 5 staff positions from state and federal grant funding to the more appropriate Title V fee funding and routine personnel cost increases have resulted in a projected need to increase the fees charged for fiscal year 2001. The anticipated fee that would need to be paid in 2001 would be approximately \$28 per ton.

The Notice of Intended Action was published as IAB Vol. XXII No. 12 (12/15/99) p. 959, ARC 9536A. A public hearing was held on January 14, 2000, at the Air Quality Bureau in Urbandale. Written comments were provided by two organizations. No changes have been made to the Notice of Intended Action as a result of comments received during the public comment period.

**ENVIRONMENTAL PROTECTION COMMISSION [567]**

Adopted and Filed

Pursuant to the authority of Iowa Code section 455B.133, the Environmental Protection Commission hereby amends Chapter 22, “Controlling Pollution,” Iowa Administrative Code.

The Notice of Intended Action was published as IAB Vol. XXII No. 12 (12/15/99) p. 959, ARC 9536A. A public hearing was held on January 14, 2000, at the Air Quality Bureau in Urbandale. Written comments were provided by two organizations. No changes were made to the Notice of Intended Action as a result of comments received during the public comment period.

The purpose of this rule making is to change the maximum annual Title V Operating Permit fee that the Department can charge from the current fixed dollar amount of \$24 to \$29.

The Commission will continue to be asked annually to approve the Title V fee that is charged to permit applicants as justified by the Air Quality Bureau's projected budget and the reported tonnage of air contaminant emissions.

This amendment may impact small business.

This amendment is intended to implement Iowa Code section 455B.133.

This amendment shall become effective on April 26, 2000.

The following amendment is adopted.

---

Amend subrule 22.106(1) as follows:

22.106(1) Fee established. Any person required to obtain a Title V permit shall pay an annual fee based on the total tons of actual emissions of each regulated air pollutant, beginning November 15, 1994. Beginning July 1, 1996, Title V operating permit fees will be paid on July 1 of each year. The fee shall be based on actual emissions required to be included in the Title V operating permit application and the annual emissions statement for the previous calendar year. The department and the commission will review the fee structure on an annual basis and adjust the fee as necessary to cover all reasonable costs required to develop and administer the programs required by the Act. The department shall submit the proposed budget for the following fiscal year to the commission no later than the March meeting. The commission shall set the fee based on the reasonable cost to run the program and the proposed budget no later than the May commission meeting of each year. The commission shall provide an opportunity for public comment prior to setting the fee. The commission shall not set the fee higher than ~~\$24~~ \$29 per ton without adopting the change pursuant to formal rule making.

---

Date

---

Paul W. Johnson, Director

## **PUBLIC PARTICIPATION RESPONSIVENESS SUMMARY FOR**

### **576 Iowa Administrative Code Chapters 22, Revision to the Title V fee cap**

#### **INTRODUCTION**

On November 15, 1999, the Environmental Protection Commission (EPC) approved and noticed for public comment the amendment to Chapter 22, "Controlling Pollution," Iowa Administrative Code. The Notice of Intended Action was published in the Iowa Administrative Bulletin on December 15, 1999, as



IAB Vol. XXII, No. 12 (12/15/99) p. 959, ARC 9536A. A public hearing was held in Urbandale on January 14, 2000. The close of the public comment period was January 14, 2000.

The purpose of this rule making is to change the maximum annual Title V Operating Permit fee that the Department can charge from \$24 per ton to \$29 per ton.

There were no oral comments, but five written comments were received. A summary of the comments and the Department's responses follow. Copies of written comments are enclosed as Attachment A.

## COMMENTS

### 1. Association Of Business And Industry

"The Iowa Association of Business and Industry (ABI) opposes raising the Title V fee cap from \$24.00 per ton to the proposed \$29.00 per ton. ABI appreciates the opportunity given by the EPD to learn more about the nature of the 20 percent fee increase, but is still concerned that Title V fees are paying for a disproportionate share of non-Title V program costs. Raising the fee cap will exacerbate this inequity."

**Response:** The proposal is not to raise the fee itself, but to raise the fee cap. The Commission will continue to be asked annually to approve the Title V fee that is charged to permit applicants as justified by the Air Quality Bureau's projected budget and the reported tonnage of air contaminant emissions.

**Recommended Action:** No Change

### 2. Association Of Business And Industry

"The Air Bureau indicated that it is within its authority to use Title V fees to pay for the portion of the construction permit program that deals with construction permitting issues for Title V facilities. However, the Bureau's budget appears to indicate that entire portions of the construction permit program are being funded by Title V fees. It is difficult, if not impossible, to determine what percentage of program areas are being funded through the Title V fees."

**Response:** Although this comment does not address the proposed rule, the Department follows the Environmental Protection Agencies rules and guidance specifying how monies can be expended for Title V.

**Recommended Action:** No Change

### 3. Association Of Business And Industry

"The Department is seeking to transition many of its permitting programs to fee-based programs, indicated by the proposed Environmental Protection Fund in the Department's legislative package. Discussions between the Department and stakeholders about the substantial impact this would have on the regulated community have not taken place. Subsequently, raising the fee cap at this time and in this fee-driven environment will lay

the groundwork for potentially double-charging Title V businesses that are already paying a disproportionate share of construction permit program costs.”

**Response:** It is not the Departments intent to double-charge Title V facilities. The possible construction permit fee will take into consideration what fees are paid by Title V facilities. Also, the Department has made a commitment to discuss and examine ways to restructure the Title V fee with stakeholders.

**Recommended Action:** No Change

**4. Ag Processing Inc.**

“Ag Processing Inc. (AGP) has several concerns with the EPC’s proposed rule changes. First, the EPC proposal has the potential to increase AGP’s annual permitting costs by more than 20%. As the rule is currently written, the entire increase could be implemented in one year. In the alternative, the increase could implemented piece-meal, with no further opportunity for notice and comment by those affected. AGP is particularly proud of its cooperative status, which allows it to return profits to member producers. The proposed fee increase could negatively impact profit returns to AGP members. Also, to the extent that any fee increase is intended to cover the “spend-down” of funds carried over from prior years, Iowans will not receive any additional benefits or services from the increase in fees.”

**Response:** The way the current rule is written, the increase could be implemented in one year if the EPC approves the increase that is set annually. However, industries will have an opportunity to comment on the Title V fee before it is set by the EPC. The Air Quality Budget will be presented at the client contract meeting and the EPC meeting before the fee is set annually. At that time all stakeholders will have an opportunity to provide comments on the proposed budget and fee.

**Recommended Action:** No Change

**5. Ag Processing Inc.**

“Secondly, there are questions about the Department’s use of operating permit fees, specifically whether fees collected are being used to fund the Department’s construction permit program. Iowa Code Section 455B.133(8)(2) allows fees to be charged for Title V permits, and requires these fees to be deposited in the Air Contaminant Source Fund. However, Iowa Code Section 455B.133B, which creates the fund, limits use of moneys in the fund “solely to defray the costs related to the permit, monitoring, and inspection program”. Iowans need assurance that current (as well as proposed) operating permit fees are used in accordance with law.

**Response:** Please refer to the response to Item 2.

**Recommended Action:** No Change

Mr. Valde reviewed the rule noting that it is to revise the cap, not to set the fee. He related that a proposed budget to set the fee will be brought to the Commission in March. He noted that this rule would change the cap from \$24 to a maximum of \$29.

A lengthy discussion took place regarding the cap increase, using up the carry-over funds, funding a construction permit engineer out of Title V funds, and trying to keep the fee under \$26/ton.

Elizabeth Henderson, Association of Business and Industry, pointed out that at the last Administrative Rules Review Committee they voted to require a regulatory analysis of the rule. She stated that it is good to hear that only a 10% increase is proposed in the Title V budget.

*Motion was made by Rozanne King to approve Final Rule—Chapter 22, Revise Cap on Annual Title V Operating Permit Fees. Seconded by James Braun. Motion carried unanimously.*

**APPROVED AS PRESENTED**

## **SECTION 319 NONPOINT SOURCE POLLUTION CONTROL PROJECT CONTRACTS**

Mike Valde, Division Administrator, Environmental Protection Division, presented the following item.

Commission approval is requested for the following four contracts for nonpoint source (NPS) pollution control projects. The projects will be supported by FFY99 Section 319 grant funds awarded to IDNR specifically for these projects. Funding from other state and federal programs is also being used to support these projects. These projects are multiple year projects and Commission approval is being sought to award contracts for each year of the project period for which funding has been received.

These four projects, although proposed and approved as separate projects, will be part of a coordinated effort to protect and improve water quality in the Maquoketa River watershed in northeast Iowa. The Maquoketa River Alliance, a group of local and regional agencies and organizations, will function as a coordination body to prevent duplication of efforts, collect and share information, provide project support, and enhance community involvement. The project sponsors, as identified below, will be responsible for specific project activities and assuring project requirements are met.

At its January meeting, the Commission approved a \$155,000 contract with ISU for water quality monitoring in the Maquoketa basin. The monitoring data along with water quality modeling being done by ISU's Center for Agricultural and Rural Development and the Texas Institute for Applied Agricultural Research will be used to guide the efforts of the below-listed projects.

The project costs (i.e., Section 319 funds to be provided), project descriptions, and the activities supported are outlined below.

Contracts with the Iowa Department of Agriculture and Land Stewardship-Division of Soil Conservation (IDALS/DSC):

- **Upper Maquoketa Water Quality Project - \$160,000:** This contract will support the first two years of a project to protect and improve water quality in the Upper Maquoketa River watershed, by implementing Best Management Practices (BMPs) within the watershed to reduce the amount of sediment, nutrients, pesticides, and animal wastes entering the river. The DNR currently maintains a portion of the river as a "put-and-take" trout fishery, and this project will help protect that use, as well as downstream water uses. BMPs to be implemented under the project include: contouring, conservation tillage, grassed waterways, streambank stabilization, nutrient and pest management practices, water and sediment control basins, grade stabilization structures, animal waste control structures, buffers, managed grazing systems, critical area seedings, and wetlands. Contract funds will be used to support the salary and benefits of a project coordinator, and provide financial incentives for BMP implementation.
- **Maquoketa River Alliance Information/Demonstration Project – \$120,000:** This contract will support two years of a public information/education and demonstration program within the Maquoketa River watershed. The Jones County Soil and Water Conservation District will have responsibility for the overall administration of the project, with other SWCDs in the Maquoketa River watershed also participating. The project will provide information to farmers and other stakeholder groups within the watershed on water quality problems and will highlight Best Management Practices (BMPs) that are being and need to be implemented in the watershed. The project will also establish and publicize demonstration sites showing use of new or innovative practices for which cost share funds are not currently available or practices which currently receive little use due to inadequate levels of cost share being available. Practices shown at these demonstration sites may include animal waste management systems, streambank stabilization, livestock exclusion/rotational grazing, nutrient management programs, and vegetated filter strips. Contract funds will be used to support the salary and benefits of a project coordinator, and will provide financial incentives for demonstration site establishment.

#### CONTRACTS WITH IOWA STATE UNIVERSITY EXTENSION:

- **Maquoketa Watershed Nonpoint Source Communications Assistance - \$175,037:** This contract will support a three-year public information and education project to inform farmers and other citizens located in the Maquoketa River watershed about the water quality problems facing the Maquoketa River, the actions that need to be taken to address these problems, and the projects that are being initiated to deal with the area's water quality problems. The project will also enhance coordination between the many public sector agencies and private organizations involved in the Maquoketa River initiatives and support the development and implementation of additional nonpoint source control projects in the watershed. The project will develop informational materials needed by local watershed planning councils and extension specialists, and will provide a watershed newsletter, media coverage and photographic records. Contract funds will be used to support the salary and benefits of a communications specialist and pay for other expenses associated with the project.
- **Manure/Nutrient Management Educational Programming for the Maquoketa Watershed - \$211,310:** This contract will support a three-year project to reduce the impacts that animal wastes and other sources of nutrients have on water quality of the Maquoketa River. Through this project, information on refined manure and nutrient management strategies will be provided to producers located in the Maquoketa River watershed. Producers will be encouraged to voluntarily implement these refined manure and nutrient management practices, both to increase their operation's profitability and to reduce environmental impacts to the Maquoketa River from excessive nutrient

loads. Demonstration sites will be established and used to show producers the economic viability of lower fertilizer inputs and the effectiveness of manure as a source of crop nutrients. An intensive information/education program will be implemented to promote the practices being demonstrated. Contract funds will be used to support the salary and benefits of a nutrient/manure management specialist and pay for other project expenses.

Mr. Valde reviewed the contracts for the Commission.

Gary Priebe asked what happens if all of the funds are not used.

Ubbo Agena stated that the Section 319 Funds are available for a five-year period, so it is not a case of having to use it all in one year. He related that the Department submits a grant outline stating how they intend to use the money, and the contracts before the Commission today are based on grant award received last year.

Rozanne King how far ahead the Department goes with the RFP.

Mr. Agena stated that most projects are a two-year project, then additional funding is made up in the third year, if needed.

*Motion was made by James Braun to approve the Section 319 NPS Pollution Control Project Contracts as presented. Seconded by Elizabeth Christiansen. Motion carried unanimously.*

**APPROVED AS PRESENTED**

## **REFERRALS TO THE ATTORNEY GENERAL**

Mike Murphy, Bureau Chief, Compliance and Enforcement Bureau, presented the following item.

The Director requests the referral of the following to the Attorney General for appropriate legal action. Litigation reports have been provided to the commissioners and are confidential pursuant to Iowa Code section 22.7(4). The parties have been informed of this action and may appear to discuss this matter. If the Commission needs to discuss strategy with counsel on any matter where the disclosure of matters discussed would be likely to prejudice or disadvantage its position in litigation, the Commission may go into closed session pursuant to Iowa Code section 21.5(1)(c).

- a. Affordable Asbestos Removal, Inc. (Monticello) – air quality

Mr. Murphy stated that the party called and had a conflict with the meeting date today and requested it be delayed to the next meeting. He added that it will come back to the Commission in March.

**REFERRAL DELAYED ONE MONTH**

### **PROPOSED CONTESTED CASE DECISION—DENNIS SHARKEY, SR.**

Mike Murphy, Bureau Chief, Compliance and Enforcement Bureau, presented the following item.

On February 7, 1999, the department issued Administrative Order No. 99-AQ-03 and 99-SW-01 to Dennis Sharkey Sr.. That action required that he cease improper disposal of solid waste, stop open burning, properly manage solid waste in the future, and pay a penalty of \$10,000. That action was appealed by Mr. Sharkey, and the matter proceeded to administrative hearing on December 17, 1999. The Administrative Law Judge issued the attached Proposed Decision on January 7, 2000. The decision affirms Order No. 99-SW-01, reverses 99-AQ-03, and reduces the penalty to \$2,250.

Either party may appeal the Proposed Decision to the Commission. In the absence of an appeal, the Commission may decide on its own motion to review the Proposed Decision. If there is no appeal or review of the Proposed Decision, it automatically becomes the final decision of the Commission.

Mr. Murphy briefed the Commission on the history of this case.

Brief discussion followed.

The Commission took no action; this has the effect of upholding the Administrative Law Judge decision in the absence of an appeal.

### **LEGISLATION UPDATE**

Larry Wilson, Deputy Director, reviewed the bills listed in the packet distributed to the Commission. He gave an updated status of each bill. Mr. Wilson noted that this coming Friday is the first funnel date for the legislature, so it is an important week for things to happen. He related that the Governor is supporting the Department on a number of issues and is asking for full funding of REAP.

Rita Venner asked about the bill to increase the hunting and fishing license fees.

Mr. Wilson stated that it is has not passed out of committee yet. He noted that the need is there for increased fees.

<b>INFORMATIONAL ONLY</b>
---------------------------

### **GENERAL DISCUSSION**

Elizabeth Christiansen stated that she has been reviewing the Solid Waste Policy Report from the Minnesota Office of Environmental Assistance and she would like to have Paul Smith come and give a presentation to the Commission on the lack of flow control and changes in garbage management. Commissioner Christiansen indicated she would follow through to schedule Mr. Smith for the March meeting.

James Braun commented, in relation to the Bluestem landfill siting matter, he has a problem with putting anything in a hole in the ground, adding that there are better ways to take care of garbage. He related that we need to be proactive in determining other uses/alternatives.

Mr. Wilson remarked that public input and discussion among the Commission can be helpful to staff and the Director when it comes time to issue a permit.

Mike Murphy stated that there is a special provision when permitting new landfills in which the Director has the authority to give approval or deny it. The decision of the Director is subject to review by the Commission. Mr. Murphy noted that if the permit is not approved by the Director, the party has the right appeal to the Commission and if denied it could lead to a formal decision of the court.

Gary Priebe asked if staff could have the GSB look at the area to see if it is a karst topography.

Mr. Wilson noted that Director Johnson has already requested that be done.

Discussion followed regarding other aspects of the Bluestem siting issue including the past dumping of fly ash on the area by ADM; future financial responsibility of the producer in regard to the fly ash; zoning of the area; alternatives to landfilling; and unit-based pricing programs.

## **NEXT MEETING DATES**

March 20, 2000

April 17, 2000

May 15, 2000

## **ADJOURNMENT**

<i>Motion was made by James Braun to adjourn the meeting. Seconded by Rozanne King. Motion carried unanimously.</i>
---

With no further business to come before the Environmental Protection Commission, Chairman Townsend adjourned the meeting at 2:10 p.m., Monday, February 21, 2000.

---

Paul W. Johnson, Director

---

Terrance Townsend, Chair

---

Rozanne King, Secretary



**INDEX****A**

Adjournment, 44  
 Administrative Rules Review Process, 6  
 Adoption of Agenda, 1  
 Affordable Asbestos Removal, Inc.  
     Referrals to the Attorney General, 42  
 Air Quality  
     Title V Operating Permit Fees - Revise  
     Cap on Annual Fee--Chapter 22  
     Final Rule, 36  
 Appointment  
     Berkshire, Mike (C.R. landfill siting), 13  
     Prochaska  
         Pamela (C.R. landfill siting), 14  
     Rigdon, Susan (C.R. landfill siting), 16  
     Vogel, Kenneth (C.R. landfill siting), 17  
 Appointment  
     Balderson landfill, Karen (C.R. landfill  
     siting), 18  
 Approval of Minutes, 1

**B**

Balderson, Karen - Appointment (C.R.  
     siting), 18  
 Berkshire, Mike - Appointment (C.R.  
     landfill siting), 13  
 Bremer County  
     Regional Collection Center Project  
     Contract Amendment, 8

**C**

Call to Order, 1  
 Commissioners Absent, 1  
 Commissioners Present, 1  
 Contested Case Decision  
     Proposed  
     Sharkey Sr., Dennis, 43

**Contracts**

Bremer County Regional Collection  
 Center Project Contract Amendment, 8  
 Toxic Cleanup Day Service Delivery

Safety-Kleen, 6

**D**

Director's Report, 2

**F**

Final Rule  
     Chapter 22, Air Quality  
         Title V Operating Permit Fees -  
         Revise Cap on Annual Fee, 36  
     Chapter 23, NESHAPS - Adoption by  
     Reference, 31  
 Financial Status Report, 2

**L**

Legislation Update, 43

**M**

Manure/Nutrient Mgmt. Educ. Programming  
     for Maquoketa River  
     Section 319 Nonpoint Source Pollution  
     Control Project Contract, 40  
 Maquoketa River Alliance Info/Demo  
     Project  
     Section 319 Nonpoint Source Pollution  
     Control Project Contract, 40  
 Maquoketa Watershed NPS  
     Communications Assistance  
     Section 319 Nonpoint Source Pollution  
     Control Project Contract, 40  
 Monthly Reports, 18

**N**

NESHAPS - Adoption by Reference--  
     Chapter 23  
     Final Rule, 31

**P**

Prochaska  
     Pamela - Appointment (C.R. landfill  
     siting), 14

Public Participation, 9

## **R**

Referrals to the Attorney General

Affordable Asbestos Removal, Inc., 42

Regional Collection Center

Bremer County Project Contract  
Amendment, 8

Rigdon, Susan - Appointment (C.R. landfill  
siting), 16

## **S**

Section 319 Nonpoint Source Pollution

Control Projects

Contracts

DALS

Maquoketa River Alliance  
Info/Demo Project, 40

Upper Maquoketa WQ Project, 40

ISU

Manure/Nutrient Mgmt Educ.  
Programming for the Maquoketa  
River, 40

Maquoketa Watershed NPS  
Communications Assistance, 40

Sharkey, Sr., Dennis

Proposed Contested Case Decision, 43

## **T**

Toxic Cleanup Days

Service Delivery Contract Amendment

Safety Kleen, 6

## **U**

Upper Maquoketa Info/Demo Project

Section 319 Nonpoint Source Pollution

Control Project Contract, 40

## **V**

Vogel, Kenneth - Appointment (C.R. landfill  
siting), 17